



Crl.A.No.1080 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

**Crl.A.No.1080 of 2024**

Saleembasha

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Appellant /Sole Accused

Vs.

1. The Deputy Superintendent of Police,  
Ranipet District.

2. State represented by  
The Inspector of Police  
All Women Police Station, Ranipet  
Ranipet District.

3.Mrs.Sivagami

...

Respondents / Complainant

Prayer: Criminal Appeal filed under Section 14(A)(2) of the SC/ST (Prevention of Atrocities) Act, 1989 to set aside the order made in Crl.MP No.982 of 2024 in Spl.S.C.No.24 of 2024 on the file of Special Judge for Exclusive trial of cases under POCSO Act, Vellore, Vellore District and enlarge the appellant on bail.



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For Appellant : Mr.D.Balaji  
For Respondents-1 & 2 : Dr.C.E.Pratap  
Government Advocate(crl.side)  
For R-3 : Mr.S.Sridevi,  
Legal aid counsel

### **JUDGMENT**

This appeal challenges the dismissal of the appellant's application for bail filed before the trial court.

2. The appellant was arrested and remanded to judicial custody on 08.11.2023 for the alleged offences under Section 506(ii) of IPC r/w 9(m) 9(l), 10, 11(1), 11(3) 12 of POCSO Act, 2012, 3(2)(v) of SC/ST Act and 67 of IT Act on the allegation that the appellant had shown obscene videos to the victims and thereafter touched their thigh inappropriately. The victims are aged 13 and 11 years.

3. The learned counsel appearing for the appellant is in custody from 08.11.2023; that his continuous incarceration pending trial would affect his right to defend his case effectively; that the victims and the mother of the



victims have already been examined by the trial court; that the appellant would not tamper the witness and prayed for grant of bail.

4. Notice sent to the third respondent/defacto complainant was served and she was present before this court. Since the third respondent requested to appoint a legal-aid counsel to represent her, this court appointed Ms.S.Sridevi, as legal-aid counsel for the 3<sup>rd</sup> respondent.

5. The learned counsel appearing on behalf of the third respondent/defacto complainant would submit that the appellant had shown obscene videos to the victim girls who are aged 13 and 11 years and also touched them inappropriately; that the offences has been made out and prayed for dismissal of the appeal.

6. The learned Government Advocate (crl.side), on instructions would submit that the victims and the mother of the victims were examined before the trial court.



7. Considering the nature of the allegations, the fact that the appellant is in custody from 08.11.2023; that he has right to defend himself effectively in the trial; that the victims and the mother of the victims have already been examined before the trial court, this court is inclined to grant bail to the appellant.

8. Accordingly, the appellant is ordered to be released on bail subject to the following conditions :

(i) The appellant shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only), with two sureties each for a like sum to the satisfaction of the learned Principal District Judge, Ranipet ;

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(iii) the appellant/accused shall appear before the trial court on all hearing dates without fail.

(iv) the appellant shall not commit any offences of similar nature;

(v) the appellant shall not abscond either during investigation or trial;



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(vi)the appellant shall not tamper with evidence or witness either during investigation or trial;

(vii)on breach of any of the aforesaid conditions, the learned Trial Judge is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*;

(viii)if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

9. In view of the above, the impugned order made in CrI.M.P No.982 of 2024 in Spl.S.C.No.24 of 2024 on the file of Special Judge for Exclusive trial of cases under POCSO Act, Vellore, Vellore District is set aside and the Criminal Appeal is allowed.

**10.12.2024**

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

rgr

**Note : Issue order copy by 11.12.2024**

**Upload the order copy forthwith.**

**Note :** The District Legal Services Authority is directed to pay the scheduled fees to Ms.S.Sridevi, legal-aid counsel appointed by this Court, to assist this Court on behalf of the defacto complainant/third respondent.



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**SUNDER MOHAN, J.**

**rgr**

To

1.The Special Judge for Exclusive trial of cases under POCSO Act, Vellore, Vellore District.

2. The Principal District Judge, Ranipet.

3.The Deputy Superintendent of Police, Ranipet District.

4.The Inspector of Police  
All Women Police Station Ranipet  
Ranipet District.

5.The Superintendent of Police,  
Central Prison, Vellore.

6.The Public Prosecutor,  
High Court, Madras.

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