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Crl.O.P.No.22721 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.22721 of 2024

Chellema Khatun

...Petitioner

Vs.

The State rep by
Inspector of Police
W-10 all Women Police Station, Selaiyur
Chennai
(Crime No.01 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Spl.S.C.No.77 of 2023 on the file of the learned Court of Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Chengalpattu.

For Petitioner : Mr.B. Shankar

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)



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ORDER

The petitioner, in Spl.S.C.No.77 of 2023 on the file of the learned Court of Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act seeks bail. Originally Crime No.01 of 2022 had been registered by the respondent under Sections 370, 370A, 372, 373, 343, 376(DA), 506(ii) r/w 34 of I.P.C under Section 66 E of I.T. Act and 4 and 5 of ITP Act r/w 5(1) and r/w 6 of POCSO Act.

2. The case of the prosecution is that there are four victim children aged 14, 15, and 16 and 17 and all are minors. It is alleged that the petitioner forced the victim girls to prostitution and also took obscene picture and brutally assaulted them. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further



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submitted that the petitioner has been in custody since 30.01.2022 ; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate opposes the grant of bail to the petitioner by stating that the petitioner forced the victim girls to prostitution and also took obscene picture and brutally assaulted them. He further submitted that the investigation has been completed and charge sheet also filed. He further submitted that there is no previous case against the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the representation made on both sides and the investigation has been completed and charge sheet also filed and there is no previous case against the petitioner and the petitioner is in custody for more than 2 ½ years, this Court is inclined to grant bail to the



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petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, each for a like sum to the satisfaction of the learned Court of Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Chengalpattu and on further conditions that:

[a] the petitioner shall report before the Special Court for Exclusive Trial of cases under POCSO Act, Chengalpattu. on all working days at 10.30 a.m., until further orders, without fail.

[b] the petitioner shall attend in accordance with the conditions of the bond;

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;



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[e] the Petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the Petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

23.09.2024

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To

1.The Court of Sessions Judge, *Special Court for Exclusive Trial of cases under POCSO Act, Chengalpattu*

2.The Special prison for women, Central Prison,
Puzhal, Chennai

3. Inspector of Police
W-10 all Women Police Station, Selaiyur
Chennai

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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