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CrI.O.P.No.29006 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.29006 of 2024

Harith Ahmad

... Petitioner

Vs.

State Rep. by
Inspector of Police
Cyber Crime Police Station
East Zone, Chennai 600 031
(Cr.No.101 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.101/2024 on the file of the Cyber Crime Police Station, East Zone, Chennai 600031.

For Petitioner : Mr.R.Shajahan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 10.09.2024 , seeking bail in Crime No.101 of 2024 registered for the offences punishable under



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Sections 294(2)(a), 74, 79 BNS and 11, 12 of POCSO Act r/w.66(c), 67, 67(a) of IT Amendment Act 2008.

2.The case of the prosecution is that the petitioner, who is a classmate of the victim girl, had created a fake social media account (Instagram) in her name and uploaded obscene content to it. Hence the case.

3.Learned Counsel appearing for the petitioner submitted that the petitioner and the victim are classmates and that the mother of the victim girl has filed a false complaint. He further submitted that the petitioner is 19 years old and has been in custody from 10.09.2024. He also stated that the major part of the investigation has been completed and the mobile phone used by the petitioner has also been recovered. Hence, he prayed for grant of bail to the petitioner stating that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

4.Learned Government Advocate (Crl. Side) appearing for the respondent police while opposing for grant of bail to the petitioner submitted that the petitioner by creating a fake social media account in the name of the



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victim girl had uploaded the obscene content to it and the investigation in this matter is pending.

5.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, including the statement of the victim girl recorded under Section 164 of Cr.P.C.

6.Taking into consideration the facts and the submissions made by the learned counsel appearing for the parties, taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the 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 Special Court for exclusive trial of Cases under POCSO Act, Chennai and on further conditions that:

[a] the sureties shall affix their photographs and



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Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall appear before the respondent police every day at 06.30 pm., for a period of two weeks and thereafter, every Saturday at 10.30 am., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned 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]*;

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

20.11.2024

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To

1.The Special Court for exclusive trial of Cases
under POCSO Act, Chennai

2.The Superintendent
Central Prison, Puzhal. Chennai

3.The Inspector of Police
Cyber Crime Police Station
East Zone, Chennai 600 031

4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.
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