



CrI.O.P.No.30658 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM

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

CrI.O.P.No.30658 of 2024

Gulam Zarkani

... Petitioner

Vs.

The State Rep. by
The Inspector of Police
W-10-AWPS Flower Bazzar Police Station
Chennai
(Cr.No.05 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.05
of 2024 on the file of W-10-AWPS Flower Bazzar Police Station.

For Petitioner : Mr.S.Vedavalli

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

ORDER

Petition seeking bail in respect of Crime No.05 of 2024 registered for
the offence punishable under Sections 10 of POCSO Act, 2012 and 140 of BNS,
2023 is on board for consideration.

2.The incarceration of the petitioner being from 14.10.2024 pleading



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innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that while the small boy was playing in the park, a crow soiled his shirt and the petitioner had helped the boy to clean it, whereas a false complaint has been given as if the petitioner misbehaved with the boy. He also submits that the petitioner is no way connected with the alleged offences and he is ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the accused attempted to misbehave with the minor boy, aged about 10 years. He further submit that statement of the victim boy was also recorded.

4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, including the statement recorded from the victim boy and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, (out of which, one surety should be a blood related surety) each for a



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like sum to the satisfaction of the Special Court for exclusive trial under POCSO

Act at Chennai and on further conditions that:

[a] the sureties shall affix their photographs and 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 report before the respondent Police, everyday at 06.30 p.m., 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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

09.12.2024

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A.D.JAGADISH CHANDIRA., J.

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To

1.The Special Court for exclusive trial under POCSO Act at Chennai

2.The Inspector of Police
W-10-AWPS Flower Bazzar Police Station
Chennai

3.The Superintendent,
Central Prison, Puzhal, Chennai

4.The Public Prosecutor,
High Court of Madras.

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