



CRL OP(MD). No.12085 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

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1. S.Chandraprakash @ Chandru

2. P.Ajithkumar ... Petitioners/ Accused No.4 & 9

Vs

The Inspector of Police,
Odaipatti Police Station,
Theni District.
Crime No. 94/2024.

... Respondent/ Complainant

For Petitioners : Mr.N.Saravanan,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.side)

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :- For Bail in Crime No. 94 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners /Accused, who were arrested and remanded to judicial

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custody on 10.06.2024 for the offences punishable under Sections 147, 294(b), 354C, 509 and 506(i) I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 66E of Information Technology Act, 2000, in crime No.94 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners and other accused videographed secretly, while the defacto complainant was changing her dress in here house and thereafter, they circulated the video clip in their WhatsApp group. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 10.06.2024, hence, they may be granted bail.

4.The learned Additional Public Prosecutor would submit that the petitioners are not having any previous cases. He would further submit that the investigation of the case is pending and hence, he strongly opposed to grant bail to the petitioners.



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5. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners on certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the Principal Special Court for Exclusive Trial of cases under POCSO Act, Theni, and on further conditions that;

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioners shall report before the Inspector of police, Tallakulam Police Station, Madurai, daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation;

(iii) the petitioners shall not tamper with evidence or witness;

(iv) the petitioners shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial



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Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

vi)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-
30/07/2024

/ TRUE COPY /

31/07/2024
Sub-Assistant Registrar (C.S-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS

TO

1. The the Principal Special Judge for Exclusive Trial of cases under POCSO Act,
Theni,
2. The Inspector of Police,
Odaipatti Police Station,
Theni District.



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3. The Officer In-Charge, Sub-Prison, Uthamapalaiyam, Theni.

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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Inspector of Police,
Tallakulam Police Station,
Madurai.

+1 CC to M/s.N.SARAVANAN, Advocate (SR-8969[I] dated 30/07/2024)

ORDER
IN

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Date : 30/07/2024

RK(31/07/2024) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.