



CRL OP(MD). No.14683 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 19/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.14683 of 2024

Kavin

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Tiruvadanai Police Station,
Ramanathapuram District.
(Crime No.5 of 2024.)

... Respondent/Complainant

For Petitioner : M/s.K.Dinesh, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 5 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 06.05.2024 for the offences punishable under Sections 376(DA) and 376(AB) IPC



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and 67(B) IT Act and 11(2), 11(4) r/w. 12 and Section 5(l), 5(g) r/w. 6 of POCSO Act, 2019 in crime No.5 of 2024 on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that the petitioner made a video call to the victim and lured her to speak in a nude state. Hence, the case.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

4. Considering the nature of allegations against the petitioner that the girl has stated that initially she was friendly with this petitioner and at that point of time, the petitioner spoke with her on mobile phone and in the video call he is said to have recorded the girl inappropriately and he forwarded it to the other accused, who showed it to the victim girl and forced her and committed penetrative sexual assault on her and considering the submission made by the Additional Public Prosecutor on instructions from the RFSL expert and even in the charge sheet filed on the materials the retrieved video which is alleged to have been taken by the petitioner could not be revived and produced and considering the statement of the victim child that this petitioner was not involved in the penetrative sexual assault on her, I am inclined to enlarge the petitioner on bail.

5. Apart from the bail order, the following is brought to the notice of this court



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in the present case. In this case alone 3 mobile phones belonging to the accused persons have been seized. It is stated that in the first mobile phone there are 79,701 images and 8446 videos; in the second mobile phone there are 39,195 images and 359 videos and in the third mobile phone there are 96,353 images and 2820 videos. So the amount of time which would be needed to swift through all this and find out whether the offending video is there or not and what are the images of the victim child which is stored will naturally take time and effort. The Deputy Director of Regional Forensic Laboratory, Madurai is present before this court. Upon being questioned that the reports are getting delayed in many of the cases, the Deputy Director answers that the total strength of the regional laboratory is that he is the Deputy Director and under him 1 Assistant Director, 2 Scientific Officers and 2 Junior scientific officers alone are working. In the present in times, every criminal case involves seizing of mobile phones and retrieving of information. Therefore, the workload is very very high. Compared to the workload, total staff strength of the laboratory is extremely low and on account of the same, the investigating officers could not get the report on time and the entire investigation is being delayed. Besides, by not retrieving useful information in time, further gathering of evidence is also hampered. Therefore, a copy of this order shall be placed before the Secretary to the Government, Home Department, Secretariat, Chennai- 600 009 for immediate



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consideration for sanctioning additional staff strength to the Regional Forensic Laboratory, Madurai. It is also brought to the notice of this court that this laboratory covers the 10 southern Districts. Therefore, the government of Tamil Nadu shall have to look into the same and create additional posts in both the administrative and scientific sides, so that the investigation in the criminal cases can be proceeded within reasonable time.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 Fast Track Mahila Court, Ramanathapuram.

(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 petitioner shall appear before the concerned Court all hearing dates without fail;

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

iv)the petitioner shall not abscond during trial.

v)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



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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].

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

sd/-
19/09/2024

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19/09/2024
Sub-Assistant Registrar (Writs)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

To

1.The Judge,
Fast Track Mahila Court,
Ramanathapuram.

2.The Inspector of Police,
Tiruvadanai Police Station,
Ramanathapuram District.

3.The Officer Incharge,
District Jail, Ramanathapuram.

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



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The Secretary to the Government,
Home Department,
Secretariat, Chennai - 600 009.

+1 CC to M/s.K.DINESH, Advocate (SR-11432[I] dated 19/09/2024)

ORDER
IN

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Date :19/09/2024

ED/ /SAR- (19/09/2024) 6P / 7 C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023