

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.10.2020

CORAM :

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

CRL.O.P.No.17025 of 2020

SADHAM HUSSAIN

... Petitioner

Vs.

State Rep.by The Inspector of Police, .... Respondent  
All Women Police Station,  
Denkanikottai,  
Krishnagiri District.  
(Crime No.10/2020)

**PRAYER:** Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.10 of 2020 on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.T.Shunmugarajeswaran  
Government Advocate (Crl. Side)

**ORDER**

**(The case has been heard through video conference)**

The petitioner, who was arrested and remanded to judicial custody on 08.09.2020 for the offence punishable under **Sections 11 (1), 12 of Protection of Children from Sexual offence Act 2012**, in Crime No.10 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Althap is that on 21.08.2020, while his minor daughter was going along the road, the petitioner who was standing in the upstairs of his house, has exhibited his private part to the minor daughter of the defacto complainant and has also called her. Further, the petitioner was in the habit of doing such activity.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case due to previous enmity. He would further submit that on coming to know about the registration of the case, the petitioner voluntarily surrendered before the Mahila Court, Krishnagiri, on 08.09.2020 and he has been suffering incarceration

for more than 50 days since then. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the petitioner who stood on the upstairs of his house, has exhibited his private part to the daughter of the defacto complainant and has also called her. He would further submit that the petitioner is in the habit of doing such activity.

5. At this juncture, the learned Counsel for the petitioner would submit that the petitioner is prepared to abide by any stringent condition and he is also prepared to stay elsewhere.

6.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and considering the period of incarceration suffered by the petitioner from 08.09.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Sessions Judge, Fast Track Mahila Court, Krishnagiri** and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) **the petitioner on his release from prison, shall stay at Vellore and report before the North Police Station, everyday at 10.30 a.m. until further orders.**

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) 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];

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

**7. With the above directions, this Criminal Original Petition is ordered.**

-sd/-  
29/10/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE, FAST TRACK MAHIL COURT,  
KRISHNAGIRI.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,  
CENTRAL PRISON, SALEM.

4 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
DENKANIKOTTAI,  
KRISHNAGIRI DISTRICT.

5 THE OFFICER INCHARGE,  
NORTH POLICE STATION, VELLORE.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.17025/2020

Date :29/10/2020

TA-02/11/2020

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