

In the Court of Sessions Judge (Fast Track Mahila Court). Ramanathapuram.

Present: Tmt. A. Subathra, B.A., B.L.,
Sessions Judge,
Fast Track Mahila Court,
Ramanathapuram.

Thursday the 27th day of May 2021

CrI.M.P. No. 02/2021 (e- bail)

Hameed Askar, 19/2021, S/o. Syed Ibrahim, Paruthikkara Street, Keelakarai,
Ramanathapuram District.

.... Petitioner / Accused

State through the Inspector of Police, Keelakarai P.S., in Cr.No. 70/2021

.... Respondent / Complainant

For Petitioner : Tr. A. Mahendran, Advocate

For Respondent : Tmt. N. Manoranjitham, Special Public Prosecutore.

PETITION FILED FOR e-BAIL U/S. 439 Cr.P.C.

ORDER

The e-bail application is filed by the Petitioner / Accused in Cr. No. 70/2021 on the file of the Respondent police. Notice to the said e-bail application forwarded to the Learned Special Public Prosecutor.

The e-bail application is taken for hearing in view of the country wide lock-down announced by the Union Government and the State Government in view of COVID-19 threat perception and hearing of the bail application is made through jitsi Meet, sitting in open court and connected through Jitsi Meet to connect to both sides counsels throught the technology support of the System Officer.

Both sides arguments were heard through Jitsi Meet Call.

The respondent police has filed a case against the petitioner in Crime No. 70/2021 under section 363 IPC, r/w. 5(m), 6, 9(m), 10 of POCSO Act.

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The learned counsel for the Petitioner submitted that the petitioner / accused, has been falsely implicated in this case, further he submitted that the investigation is over, the petitioner is arrested and remanded to Judicial Custody on 29.03.2021, hence the bail may be granted.

The learned Special Public Prosecutor submitted that the investigation is pending, hence the bail may be granted with stringent condition.

The prosecution case is that the Petitioner / Accused has kidnapped and committed penetrative sexual assaulted the victim boy.

Considering the facts and circumstances and considering the stage of investigation, this Court is inclined to grant bail on execution of Own bond for Rs. 20,000/- and on further condition that:

1. the petitioner shall appear and sign before the court on 29.06.2021 at 10.00 a.m. and execute a fresh bond for a sum of Rs. 20,000/- with two sureties each for a like sum to the satisfaction of this Court.
2. the petitioner shall stay at his home till lock down period and he shall not come into Public place except essential needs.
3. the petitioner shall appear before the respondent police station daily at 10.00 a.m. after the lock-down lifted by the Government until further orders.
4. if the petitioner failed to comply the above said conditions the bail order shall stand dismissed automatically.
5. the petitioner shall cooperate the investigation as and when required by the respondent police.
6. the petitioner shall not temper the witness during trial.
7. the petitioner shall not abscond during trial.

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8. on breach of any of the aforesaid conditions, 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 Trial Court himself as laid down by the Hon'ble Supreme Court in P.K. Shaji – Vs – State of Kerala (2005 AIR SCW 5560)

Pronounced by me at my residence office this the 27th day of May 2021.

Sd/- A. Subathra

Sessions Judge,

Fast Track Mahil Court,

Ramanathapuram.

Copy to

1. The Special Public Prosecutor, Ramanathapuram.

2. The Inspector of Police, Keelakarai P.S.

3. The Advocate Concerned.

4. The Superintendent, District Prison, Ramanathapuram.

} Copy to sent through e-mail /
Whatsapp.