



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 11048 of 2020

Banudurai

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
ALL WOMEN Police Station,
Tiruvannamalai,
Tiruvannamalai District.
(Crime No.14 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the Petitioner on bail in Crime No.14 of 2020 pending on the file of the Respondent Police.

For Petitioner : Mr.J.Jawahar

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 16.06.2020 for the offences punishable under Section **354 (A) (1) (i) & 506(i) I.P.C. r/w Section 7 & 8 of POCSO Act** in Crime No. 14 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant is that she is staying in the house of the petitioner and that on 12.06.2020, the petitioner had touched her minor daughter who is aged about 13 years inappropriately in the chest and the hip. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and due to tenancy dispute, a false complaint has been given against him. He would submit that the allegation against the petitioner is that only, he inappropriately touched the victim girl. Hence, he seeks for grant of bail to the petitioner.



4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the defacto complainant was a tenant under the petitioner and during the absence of the defacto complainant, the petitioner had misbehaved with the minor girl and touched her inappropriately in the chest and hip. Hence, he vehemently, opposed for the grant of bail to the petitioner.

5 Taking into consideration the facts of the case and submission made by the learned counsel, 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 executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Special Court for Trial of Cases Under POCSO Act, Tiruvannamalai, within 15 days from the date of lifting of the lock down and the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the petitioner shall stay at Vellore and report before the Sathuvacheri Police Station, everyday at 10.30 a.m., and 05.30 p.m. until further orders.

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

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

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

(h) 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];



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

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

-sd/-
17/08/2020

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 SPECIAL COURT FOR TRIAL
OF CASES UNDER POCSO ACT,
TIRUVANNAMALAI.

2 THE SUPERINTENDENT,
SUB JAIL, VANDAVASI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUVANNAMALAI,
TIRUVANNAMALAI DISTRICT.

5 THE OFFICER INCHARGE,
SATHUVACHERI POLICE STATION,
VELLORE.

CC to M/S.B.JAWAHAR Advocate on payment of necessary charges

CRL OP.11048/2020

Date :17/08/2020

MK:02/09/2020