

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.08.2020

CORAM :

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

Crl.O.P.No.11217 of 2020

Vinothraj
S/o.Chidambaram,
Kuppupillaichavadi,
Kaspa South Street,
Kattumannarkoil Taluk,
Cuddalore District.

.... Petitioner

-Vs-

The State Rep. by
The Inspector of Police,
Kattumannarkoil Police Station,
Cuddalore District.
(Crime No.340 of 2020).

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail in Crime No.340 of 2020 on the file of the respondent police.

For Petitioner : Mr.G.Pugazhenthir

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested on 05.06.2020, for the offences punishable under Sections 294(b), 341, 324, 506(ii) of IPC and Section 4 of TNPWH Act, 2002 and Sections 7 & 8 of POCSO Act 2012, in Crime No.340 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 05.06.2020 at about 12.00.p.m, the Sub Inspector of Police attached to the respondent police recorded a statement of one Sivaventhir, aged about 17 years, when she was admitted as inpatient for taking treatment for the injury sustained by her, while she attempted to commit suicide and based on the statement, a case was registered against the petitioner and one Panneer Selvam. The victim has alleged that she had completed XI standard and she was having chronic wheezing problem and she used to go to the hospital by auto belonging to the petitioner, during which, the petitioner interacted with her. The further allegation is that the said Panneer Selvam, who is a notorious element along with other accused threatened the petitioner and the defacto complainant and under threat received money with a direction not to interact with each other. While so, on 04.06.2020 at about 6.00 p.m, while the victim was at her home, the petitioner along with

Panneer Selvam came to the house of the de facto complainant and quarreled with her and attempted to outrage her modesty by claiming her to be his wife and compelled her to go along with him and dragged her.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been unnecessarily dragged into the issue by one Panneer Selvam, who is a politically influential person and that Panneer Selvam, suspecting that the petitioner was having affair with the de facto complainant, created a scene at the de facto complainant's house and the petitioner is also implicated in this case. He would submit that the petitioner was arrested on 05.06.2020 and he is inside the prison for more than 60 days. He would submit that there is no previous case against the petitioner and that he would abide by any stringent condition.

4. The learned Government Advocate (Crl. Side), appearing for the respondent would submit that the petitioner is a auto driver and the victim is used to travel in his auto for taking treatment in the hospital. During the course of travel, the petitioner interacted with her and thereafter, on 04.06.2020, the petitioner along with one notorious element Panneer Selvam went to the house of the de facto complainant and created a problem. The petitioner along with other accused attempted to outrage the modesty of the minor girl. The allegation against the petitioner is that he claimed the de facto complainant to be his wife and had attempted to pull her by holding her hand. He would submit that there are several cases pending against the said Panneer Selvam and that if the petitioner is granted bail, he will threaten the witnesses. However, he would object the grant of bail to the petitioner.

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 also undertakes not to go near the village of the victim girl.

6. Taking into consideration of the facts and circumstances of the case, 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) each, before the Superintendent of the concerned prison, in which the petitioner have 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 Sessions Judge, Special Court Exclusive Trial of Cases under POCSO Act, Cuddalore, within 15 days from the date of lifting of the lockdown or the commencement of the Court's normal functioning, whichever is earlier, 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 report before the respondent police every day at 10.30.am until further orders. The petitioner shall not enter into Kovilpathu Village;

(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.

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

-sd/-

04/08/2020

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 SESSIONS JUDGE
SPECIAL COURT EXCLUSIVE TRIAL OF CASES UNDER
POCSO ACT, CUDDALORE

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KATTUMANNARKOIL POLICE STATION,
CUDDALORE DISTRICT.

CC to M/S. G.PUGAZHENTHI Advocate on payment of necessary charges

CRL OP.11217/2020

Date :04/08/2020

PD 01/09/2020

<https://hcservices.ecourts.gov.in/hcservices/>