

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15499 of 2020

Seenuvasan

... Petitioner

Vs.

State, Rep. by

... Respondent

The Inspector of Police,
All Women Police Station,
Panruti,
Cuddalore District.
(Crime No.16 of 2020)

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail, pending investigation of the case in Crime No.16 of 2020 on the file of the respondent.

For Petitioner : Mr.M.Vijaya Ragavan

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 15.07.2020 for the offences punishable under **Section 9 (m) r/w 10 of Protection of Child from Sexual Offences Act, 2012 and Section 451 of IPC, in Crime No.16 of 2020** on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant one Surya, W/o.Arulkumar is that the victim girl and her parents are the tenant in the house of the defacto complainant and on 14.07.2020 while the defacto complainant went to her mother's house, the victim child also accompanied her. On the date of occurrence i.e. 15.07.2020, when the victim child was alone in her mother's house, the accused came there and committed aggravated sexual assault on her. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false complaint has been given against him at the instigation of the defacto complainant. He would further submit that the victim was examined under 164 Cr.P.C. and a statement was recorded before the learned Judicial Magistrate, wherein, the victim had stated that the petitioner attempted to misbehave with her. He would further submit that the petitioner is in custody from 15.07.2020 and he is in prison for almost 82 days and the investigation has been completed.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner had misbehaved with the victim child who is aged about 11 years. He would further submit that the investigation is completed and charge sheet has also been laid on 30.07.2020 before the POCSO Court, Cuddalore and the same has not been taken on file.

Heard the counsels, Perused the statement of the victim recorded under Section 164 Cr.P.C.

5. Taking into consideration the facts and submissions made by the learned counsels and also considering the period of incarceration suffered by the petitioner, 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.15,000/- (Rupees Fifteen Thousand only), with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for the exclusive trial of POCSO Act Cases, Cuddalore, 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 appear before the concerned Court on all working days 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

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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.

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

-sd/-

07/10/2020

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,
SPECIAL COURT FOR THE EXCLUSIVE TRIAL OF POCSO ACT CASES,
CUDDALORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PANRUTI, CUDDALORE DISTRICT.

CC to M/S.M.VIJAYA RAGAVAN Advocate on payment of necessary charges

CRL OP.15499/2020

Date :07/10/2020

TA-08/10/2020