

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2020

CORAM :

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

CRL.O.P.No.17482 of 2020

Thamilazhagan

... Petitioner

Vs.

The State rep. By
The Inspector of Police,
All Women Police Station,
Thiruvarur,
Thiruvarur District.
(Crime No.18 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.18 of 2020 on the file of the respondent Police.

For Petitioner : Mr.Swami Subramanian

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

ORDER

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 06.09.2020 for the offences punishable under **Section 10 r/w 9(m) of Protection of Children from Sexual Offences Act, 2012** in Crime No.18 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Geetha who is the Aunt of the victim girl is that her sister-in-law was working in abroad and her minor daughters were in the custody of the defacto complainant. While so, on 05.09.2020, the accused who is her neighbor, has misbehaved with the second child of her sister-in-law aged nine years. Hence, the complaint.

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 the occurrence is said to have been taken place on

05.09.2020 and the petitioner was arrested on 06.09.2020 and that the petitioner has been suffering incarceration for more than 60 days. He would further submit no charge has been filed so far. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioner who is the neighbor of the defacto complainant, had misbehaved with the minor niece of the defacto complainant. He would further submit that the medical examination in respect of the petitioner as well as the victim girl has been over and the statement of the victim girl has also been recorded under Section 164 Cr.P.C. and that the investigation is pending.

5. Heard the learned Counsel on either side. Perused the F.I.R. as well as the statement of the victim girl recorded under Section 164 Cr.P.C.

6. Taking into consideration of the facts and submissions made by the learned counsels and the fact that the petitioner has been in judicial custody for more than 60 days and the final report has not been filed so far, 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, Thiruvavarur, Thiruvavarur District**, 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 Tiruppur and report before the North Police Station everyday at 10.30 a.m. until further orders. The petitioner shall not enter into the jurisdictional limits of the respondent police.**

(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

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/-

06/11/2020

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 MAHILA COURT,
THIRUVARUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.

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

5 THE OFFICER INCHARGE,
NORTH POLICE STATION,
TIRUPPUR.

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

WEB COPY CRL OP.17482/2020
Date :06/11/2020

TA-09/11/2020