

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3771 of 2021

V.Jayaraman

... Petitioner

-Vs-

State by

The Inspector of Police,
All Women Police Station,
Namakkal.

(Crime No.3 of 2021)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of his arrest in Crime No.3 of 2021 is pending on the file of the respondent police.

For Petitioner : Mr.M.Saravanakumar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 11 (i) and 12 of the Prevention of Children from Sexual Offences Act 2012 (POCSO), in Crime No.3 of 2021, on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the brother-in-law of the defacto complainant, her husband doing export business, and they are having daughter aged about 10 years. Further, the petitioner used to go to the defacto complainant's house and doing some works. Now, the allegation is that on 04.03.2020 while washing the car, the petitioner tied his dhoti without wearing, inner wear and exhibit his private part to the daughter of the defacto complainant. Hence, the complaint

3.The learned counsel for the petitioner would submit that the petitioner is aged about 70 years. There is a matrimonial dispute between the petitioner's brother and the defacto complainant. He would further submit that only to wreak vengeance, a false complaint has been given. He would further submit that the petitioner is an innocent person and he is no way connected with this crime and he has been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner went to the defacto complainant's house and doing some works. Now, the allegation is that on 04.03.2020, he has exhibited his private part to the child. He would further submit that there is no previous case pending as against the petitioner. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, the relationship between the parties and the age of the petitioner. The nature of the allegation and he has no bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Mahila Court, Namakkal, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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].

[f] 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/-
17/03/2021

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 MAHILA COURT,
NAMAKKAL.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAMAKKAL

+1CC to M/S.M.SARAVANAKUMAR Advocate on payment of
necessary charges SR NO.3562

CRL OP.3771/2021

Date :17/03/2021

MK:23/03/2021