

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.05.2021

Coram:

The Honourable Mr. Justice G. CHANDRASEKHARAN

CrI.O.P.No.9073 of 2021

Mathavan

...Petitioner

Versus

The State rep. by
Inspector of Police,
Uthiramerur Police Station,
Uthiramerur,
Kanchipuram District.

...Respondent

This Criminal Original Petition is filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.74 of 2021 on the file of the respondent.

For Petitioner : Mr.K.G.Senthil Kumar

For Respondent : Mr.S.Karthikeyan,
Addl. Public Prosecutor

ORDER

The petitioner was arrested and remanded to judicial custody on 19.03.2021 for the alleged offence under Section 294(b), 323 of I.P.C Section 4 of TN Prohibition of Harassment of Women Act and Section 7 of POCSO Act, 2012, in Crime No.74 of 2021 on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that one Miss.Sundari aged 17 years has lodged a complaint against the petitioner stating that she was harassed by the petitioner and the second accused since already there was a civil dispute between the petitioner's family and her family with regard to 0.6 cents of land. Due to the said dispute, a case was also registered against the father and brother of the said Sundari in Crime No.72 of 2021 on the file of the respondent Police.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and the case was falsely given against him with exaggerated facts only with a view to harass the petitioner to settle his course in the property dispute between the two families.

4. The learned Additional Public Prosecutor appearing for the respondent strongly opposed this petition on the ground that the petitioner is said to have sexually assaulted the minor victim girl.

He further submitted that statements under Section 164 Cr.P.C of the victim girl has already been recorded.

5. In view of the submissions made by the learned counsel on both sides, it is clearly seen that there was a property dispute between two families and also there was a previous case in Crime No.72 of 2021 against the father and brother of the defacto complainant. Under these circumstances, a case has been filed against the petitioner. Hence, considering the fact that statements under Section 164 Cr.P.C of the victim girl has already been recorded and also the petitioner has been in judicial custody since 19.03.2021, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Chengalpet, Chengalpet District and on further conditions that:

(a) the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 p.m until further orders.

(b) the petitioner shall not abscond either during investigation or trial.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(d) On breach of any of the aforesaid conditions, the learned Sessions Judge/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 is released on bail by the learned Sessions Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

(e) If the petitioner/accused thereafter absconds a fresh FIR can be registered under Section 229A IPC.

-sd/-

12/05/2021

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 SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER POCSO ACT,
CHENGALPET, CHENGALPET DISTRICT.

2 THE INSPECTOR OF POLICE,
UTHIRAMERUR POLICE STATION,
UTHIRAMERUR, KANCHIPURAM DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

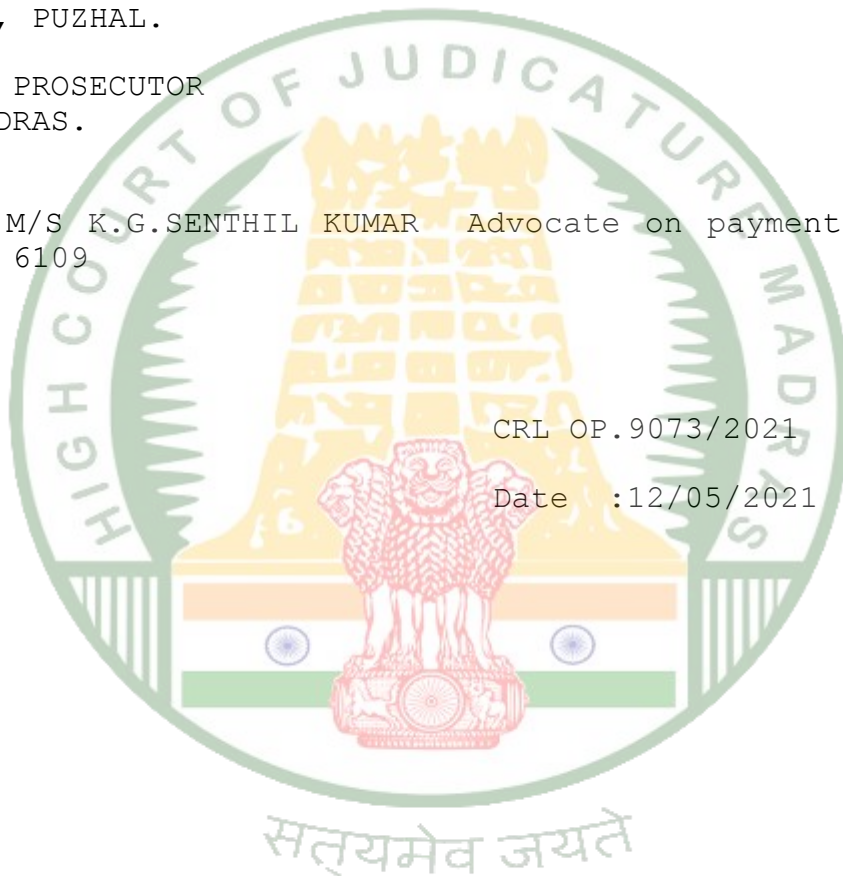
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S K.G.SENTHIL KUMAR Advocate on payment of necessary
charges SR.NO. 6109

CRL OP.9073/2021

Date :12/05/2021

MN-13/05/2021



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