



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13457 of 2021

S.A. Sellaru Pandian

... Petitioner

Vs.

State represented by
The Inspector of Police,
W-9 All Women Police Station,
Villivakkam, Chennai
(Crime No.04 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.04 of 2021 on the file of the respondent police.

For Petitioner : Mr.K. Sasindran

For Respondent : Mr.C.E. Pratap
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 26.06.2021 and remanded to judicial custody for the offences under Section 8 of POCSO Act, 2012 in Crime No.04 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the tenant in the defacto complainant's house and he misbehaved with the daughter of the defacto complainant who is the victim girl. Hence, the law enforcing agency registered a case against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution. The petitioner is the tenant of the defacto complainant's house and there was a tenancy dispute between them, due to which the defacto complainant assaulted the petitioner. Hence the petitioner herein lodged a complainant against the defacto complainant on 24.06.2021 in Cr.No.635 of 2021 before the Rajamangalam Police Station. Subsequently the petitioner in order to wreak vengeance lodged a complaint on 25.06.2021 in Cr.No.4 of 2021 before the respondent police station alleging that the petitioner misbehaved with the



victim girl and the petitioner was arrested and remanded to judicial custody. He further submits that the petitioner is no way connected with the alleged offence and he has been in jail from 26.06.2021. Therefore, he prays to grant bail to the petitioner.

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4. The learned Government Advocate (Cr1.Side) appearing for the respondent submitted that the petitioner misbehaved with the daughter of the defacto complainant who is the victim girl. He further submits that Statements have been recorded from the victim girl under section 164 of Cr.P.C. However, he vehemently opposed for grant of bail to the petitioner.

5. To ascertain the facts of the case this Court directed the Investigating officer to appear before this Court and they have also appeared before this Court.

6. On perusal of the records including 164 statements it is clear that the occurrence said to have taken place on 23.06.2021 and the petitioner have also filed a complaint before the police station on 24.06.2021 and subsequently the defacto complaint had lodged a complainant against the petitioner on 25.06.2021.

5. Considering the fact that there was a tenancy dispute between the parties and the defacto complainant had attacked the petitioner and also taking note of the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Special Court for Exclusive Trial of cases under POCSO Act, Chennai and on further condition that:

(a) the sureties shall affix their 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, daily at 10.30 a.m. until further orders;

(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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

11/08/2021

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 SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
CHENNAI

2 THE SUPERINTENDENT,
CENTRAL JAIL, PUZHAI, CHENNAI

3 THE INSPECTOR OF POLICE,
W-9, ALL WOMEN POLICE STATION,
VILLIVAKKAM, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.SASINDRAN Advocate on payment of necessary charges
Sr.8374

CRL OP.13457/2021

Date :11/08/2021

RVR 12/08/2021