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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.25222 of 2021

Pakkirisamy

.. Petitioner

Vs.

State Rep.by
The Inspector of Police,
All Women Police Station,
Thiruthuraipoondi,
Tiruvarur District.
(Crime No.14 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail, pending investigation of the case in the Crime No.14 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Vijaya Ragavan

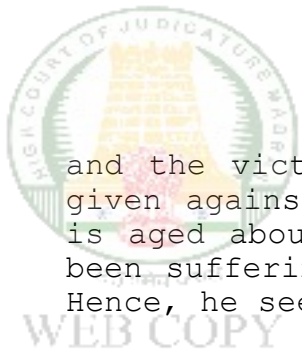
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 17.10.2021 for the offences under Sections 366A of IPC and 4 r/w 3 POCSO Act 2012, in Crime No.14 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the date of alleged occurrence, the petitioner has committed penetrative sexual assault against the victim/girl child who is aged about 7 years. Hence the complaint.

3. The learned Counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that there was a civil dispute between the petitioner



and the victim girl's family, therefore, a false complaint has been given against the petitioner. He further submits that the petitioner is aged about 77 years. He further submits that the petitioner has been suffering incarceration for more than 65 days from 17.10.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise objection stating that the statement of the victim girl under Section 164 Cr.P.C has been recorded and he further submits that the investigation was almost completed.

5. Considering the fact the investigation was almost completed and also considering the fact that there is no serious allegations against the petitioner and also considering the period of incarceration undergone by the petitioner and due to his old age ailments, this court is inclined to grant bail to the petitioner with conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty thousand Only) to the credit of Crime No. 14 of 2021 and on such deposit, 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 Sessions Judge, Fast Track Mahila Court, Thiruvavur and on further conditions 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 on every Wednesday at 10.30 a.m. until further orders.

(c) the parents of the defacto complainant is permitted to withdraw the said deposit amount of Rs.20,000/- (Rupees Twenty thousand Only) on proper identification and acknowledgment.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;



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

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-sd/-
22/12/2021

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,
FAST TRACK MAHILA COURT, THIRUVARUR.
- 2 THE OFFICER INCHARGE,
DISTRICT JAIL, TIRUVARUR.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUTHURAIPOONDI, TIRUVARUR DISTRICT.
- 4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.25222/2021

Date :22/12/2021

RW 23/12/2021