



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM:

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

Cr1.O.P.No.433 of 2022

Sankar

.. Petitioner

Vs.

State represented by

.. Respondent

The Sub Inspector of Police,
Tirupur North All Women Police Station,
Tirupur District.
Crime No.12 of 2019.

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest based on the order dated 17.11.2021 made in Spl.S.C.No.27 of 2020 on the file of the Sessions Judge, Mahila Court, Tirupur pending investigation on the file of the respondent police in Cr.No.12 of 2022 on the file of the respondent police.

For Petitioner : Mr.K.Narayanan

for Mr.J.Radhakrishnan

For Respondent : Mr.A.Gokulakrishnan

Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 7 r/w. 8 of POCSO Act 2012, in Crime Number 12 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused one Ramachandran has given chocolates to his brother's daughter and taken her to the terrace of his house and misbehaved with her by putting his hand in her inappropriate place and sexually harassed her. Based on the petitioner's complaint respondent police prepared Final Report/Charge sheet and subsequently the Spl.S.C.No.27 of 2020 on the Sessions Court, has been taken on file and enquiry was conducted



during the enquiry, the victim girl turned as hostile witness by threat, force, coercion & compulsion of the said Accused Ramachandran and based on the child's contrary statement, the learned Sessions Judge has also erroneously held that the petitioner has lodged a false complaint through his brother's daughter against the petitioner under Section 22 of Sexual Harassment.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and a coolie worker and he has love affection with his brother's child and has not committed any of the alleged offences. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor raised his strong objections stating that the petitioner by instigating his brother's daughter lodged a false complaint against one Ramachandran and he further submitted that the investigation also completed.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned **Mahila Court, Tirpur** 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 and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 Tuesday 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 has been imposed and the petitioner is 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/-
24/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE MAHILA COURT,
TIRUPPUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,
TIRUPPUR NORTH ALLWOMEN POLICE STATION,
TIRUPPUR DISTRICT.

+1 CC to M/S.J.RADHAKRISHNAN Advocate on payment of necessary charges SR.NO.1261

CRL OP.433/2022

Date :24/01/2022

TA-31/01/2022