



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Crl.O.P.No.817 of 2022

Duraisamy

.. Petitioner

Vs.

State Rep. by  
The Inspector of Police,  
All Woman Police station,  
Perambalur,  
Perambalur District.  
(Cr.No.36 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 Crime No.36 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Vijayaragavan

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 29.12.2021 for the offences under Section 11 (i) r/w 12 of Protection of Children from Sexual Offences (POCSO) Act 2012 in Crime No.36 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent Police stating that on 28.12.2021 at about 10 am, the petitioner who is the neighbor of the defacto complainant has made sexual harassment against her minor daughter who is aged about 8 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 due to the previous enmity, he has been falsely implicated in this case. He further submits that the petitioner is an aged person and suffering from Kidney problem. On the date of remand



onwards, the petitioner was admitted in the Government Hospital, Perambalur for taking treatment by the respondent Police. The petitioner requires further treatment. Hence, he seeks to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) on instructions submits that the investigation was almost completed and the minor girl was secured. However, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with conditions.

[a] the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

[b] the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Sessions Judge, Mahila Court, Perambalur, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

[c] 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;

[d] the petitioner shall report before the respondent police on everyday Tuesday and Saturday at 10.30 a.m. until further orders;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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;



[i]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

12/01/2022

WEB COPY

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,  
MAHILA COURT, PERAMBALUR.

2 THE INSPECTOR OF POLICE,  
ALL WOMAN POLICE STATION,  
PERAMBALUR, PERAMBALUR DISTRICT.

3 THE OFFICER INCHARGE,  
SUB JAIL, PERAMBALUR.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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

CRL OP.817/2022

Date :12/01/2022

INBA-19/01/2022