



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM:

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

CrI.O.P.No.950 of 2022

Karppagakani

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
All Women Police Station,
Thirumangalam,
Anna Nagar, Chennai.
(Crime No.22 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in connection with the Crime No.22 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.A.P.Sathyamurthy

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 02.12.2021 for the offences **under Sections 9(1)(n) r/w 10 of POCSO Act, 2012 in Crime No.22 of 2021**, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 19.08.2021 the defacto complainant has preferred a complaint before the respondent police alleging that she had two children, the defacto complainant had lost her first husband on 14.06.2013 due to T.B disease, thereafter the defacto complainant married the petitioner as her second husband and gave birth to male child and living in a matrimonial home with the petitioner and his mother. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He



further submitted that this petitioner already married with the defacto complainant / the widow out of their wedlock they got one child also. Due to some misunderstanding the complaint was given, he was in custody 50 days unable to take care of the family, even in his absence his mother took care the entire family. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor raised objection stating that the petitioner misbehaved with the minor daughter of the defacto complainant. However, he vehemently opposed to grant bail to the petitioner.

5. Considering all these facts, 164 statement also recorded, investigation almost completed, 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 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;

(a) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the **learned Special Court for POCSO Act Cases, Chennai**, within 15 days from the date of lifting of the lock down and the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police on every Monday, Wednesday and Saturday at 10.30 a.m. until further orders and file the affidavit and the petitioner shall not have any communication with the victim girl, if any disturbance comes to the girl the bail order will be cancelled automatically;

(d) the petitioner shall not commit any offences of similar nature;

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

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



(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

-sd/-
21/01/2022

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 POCSO ACT CASES,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUMANGALAM,
ANNA NAGAR, CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

+1 CC to A.P.SATHYAMURTHY Advocate on payment of necessary charges SR.NO.996

CRL OP.950/2022

Date :21/01/2022

TA-21/01/2022