



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.02.2022

CORAM:

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

Crl.O.P.No.2363 of 2022

Nataraj

... Petitioner

Vs.

State Rep by
The Inspector of Police,
All Women Police Station North,
Tiruppur.
(Crime No.29 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 trial of the case in Spl.S.C.No.2 of 2022 on the file of the learned Sessions Judge, Mahila Court (FAC), Tiruppur.

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 30.11.2021 for the offences under Sections 7 r/w 8 of POCSO Act, 2012, in Crime No.29 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution that the petitioner sexually harassed the victim girl who is aged about 13 years. Hence, the complaint.

3. The learned Counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He further submitted that the petitioner is aged about 76 years and he further submits that the petitioner was suffering incarceration for more than 60 days from 30.11.2021. Hence, he seeks to grant bail to the petitioner.



4. The learned Additional Public Prosecutor would raise objection stating that the petitioner had sexually harassed the defacto complainant's daughter and the statement of the victim girl under Section 164 of Cr.P.C has been recorded and the investigation was almost completed.

5. Considering the facts and circumstances of the case and the investigation was almost completed 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 each like sum for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Sessions Judge, Mahila Court (FAC), Tiruppur, 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 petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.29 of 2021 , before the concerned Magistrate within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount of Rs.10,000/- on proper identification and acknowledgment;

d] 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;

[e] the petitioner shall appear before the respondent police on every Monday at 10.30 a.m for a period of four weeks, until further orders and shall not have any communication with the victim girl and her family members and the petitioner shall also appear before the concerned court on all hearings without fail;

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

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



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

-sd/-

02/02/2022

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 SESSIONS JUDGE,
MAHILA COURT (FAC), TIRUPPUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION NORTH,
TIRUPPUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.2363/2022

Date :02/02/2022

RW 03/02/2022