



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.5683of 2022

Jeevananthan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Pernamallur Police Station,
Thiruvannamalai District.
(Crime No. 30 of 2022)

... 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.30 of 2022 on the file of the respondent police.

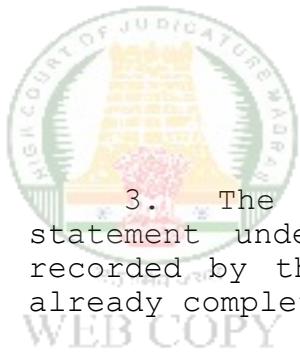
For Petitioner : Mr.R.Sasikumar

For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.01.2022 for the offences punishable under Sections 354(D) of IPC and Sections 11(4) & 12 of Protection of Child from Sexual Offences Act, 2012 r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002 in Crime No.30 of 2022, on the file of the respondent police, seeks bail.

2. The petitioner herein was arrested on 27.01.2022, based on the complaint given by one K.Thilagavathi, alleging that her daughter who is aged about 17 years was sexually harassed by the petitioner herein and threatened her with dire consequences if she does not assist to his request. It is further alleged that the petitioner insisted the victim girl to consume poison, as if she attempts to commit suicide, so that her parents will retain her at Pudukottai itself instead of leaving her in aunts house. Accordingly, the defacto complainant's daughter by force consumed poison on 24.01.2022.



3. The learned Additional Public Prosecutor submits that the statement under section 164 Cr.P.C. of the victim girl has been recorded by the Magistrate and major part of the investigation has already completed.

4. Considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner subject to the following conditions.

(a) the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvannamalai.

(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 is directed to appear before the Investigating Officer as and when required for interrogation.

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

(e) 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];

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

-sd/-
11/03/2022

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 EXCLUSIVE
TRIAL OF CASES UNDER POCSO ACT,
THIRUVANNAMALAI.

2 THE INSPECTOR OF POLICE,
PERNAMALLUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.V.R.APPASWAMEE Advocate on payment of necessary
charges SR.NO.3784

CRL OP.5683/2022

Date :11/03/2022

JPA 11/03/2022