



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.Nos.7523 & 7527 of 2022

M.Ponnusamy .. Petitioner in both the Crl.O.Ps.

Vs.

The State rep. by
The Inspector of Police,
All Women Police Station,
Udumalpet,
Tiruppur District.
(Crime Nos.10 & 11 of 2022)

.. Respondent in both the Crl.O.Ps

COMMON PRAYER: Criminal Original Petitions have been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime Nos.10 and 11 of 2022 on the file of the Inspector of Police, All Women Police Station, Udumalpet, Tiruppur District.

For Petitioner
in both the Crl.O.P.s : Mr.B.Gopalakrishnan

For Respondent
in both the Crl.O.P.s : Ms.G.V.Kasthuri
Additional Public Prosecutor

COMMON ORDER

The petitioner, who was arrested for the offences punishable under Sections 448, 323 of IPC and Section 9(m)9(n) read with 10 of POCSO Act 2012 in Crime Nos.10 & 11 of 2022, on the file of the respondent police, seeks bail.

2. The petitioner herein was arrested on 21.02.2022 in two different crime numbers occurred consecutively on the said date. According to the prosecution, the petitioner herein in a drunken mood has gone to the house of the defacto complainant and sexually harassed the minor girls who were staying alone in the house. Initially, he has gone to the house of one Chakkaraiyan and misbehaved with his minor daughter. On hearing the alarm of the minor girl, her relatives have come to rescue and chased away the petitioner. Thereafter, he has gone to the house of one Velmurugan and misbehaved with the minor



girl who was sleeping alone in her house. On hearing the alarm of the minor girl, the public apprehended the petitioner and handed over to the police. The petitioner herein is 46 years old man in a drunken state, has misbehaved with the two minor girls who were staying alone in their house. The respondent police after recording Section 164 statement of the victim minor girls and on completion of the investigation, has filed final report in both the Crime Nos.10 and 11 of 2022. The reports are taken on the file in Spl.C.C No.34 of 2022 and Spl.C.C.No.35 of 2022.

3.The investigation has been completed and the final report filed. The reverse burden is on the petitioner to prove his innocence, hence this court is of the view that the petitioner may be granted bail subject to certain conditions. Accordingly, the petitioner is ordered to be released on bail 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 learned Mahila Court, Tiruppur.

(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 stay at Tiruppur and not to visit the village of the victim and report before Tiruppur Town Police daily at 10.30 a.m. until further orders and attend the trial regularly without any absence.

(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/-

01/04/2022

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.



1 THE MAHILA COURT,
TIRUPPUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
UDUMALPET,
TIRUPPUR DISTRICT.

4 THE OFFICER INCHARGE,
TIRUPPUR TOWN POLICE STATION,
TIRUPPUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S. B.KUMARASAMY Advocate on payment of necessary
charges SR.Nos. 5026 & 5027

CRL OP.Nos.7523 & 7527 of 2022

Date :01/04/2022

RW 04/04/2022