



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.8577 of 2022

Rubeshraj

.. Petitioner

Vs.

The State rep. by its
The Inspector of Police,
All Women Police Station,
Kottakuppam,
Villupuram District.
(Crime No.1 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail and release him in Crime No.1 of 2022 on the file of the respondent police.

For Petitioner : Mr.G.Tamilselvan

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested for the offences punishable under Sections 342, 352, 506(i) IPC r/w Section 9(m) and 10 of POCSO Act, in Crime No.1 of 2022, on the file of the respondent police, seeks bail.

2.The petitioner herein was arrested on 03.01.2022, based on the complaint given by one Ranjini alleging that the petitioner had committed aggravated sexual offence on her minor daughter aged seven years, when she went to the Village Public Toilet to recess. The respondent police has completed the investigation and had filed the final report, which has been taken on file in Special S.C.No.64 of 2022.

3. The learned counsel for the petitioner submits that due to previous enmity between the family, a false complaint has been lodged against this petitioner, as if he has committed the aggravated sexual offence.



4. Considering the fact that the investigation is completed and the petitioner has burden to prove his innocence, as per the POCSO Act, this Court is inclined to grant bail to this petitioner. 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 Special Judge for POCSO Act cases Court, Villupuram.

(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 trial Court regularly without fail.

(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/-

13/04/2022

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.

TO

1 THE SPECIAL JUDGE FOR POCSO ACT CASES COURT,
VILLUPURAM.



2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KOTTAKUPPAM, VILLUPURAM DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, VILLUPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.G.TAMILSELVAN Advocate on payment of necessary
charges SR.No.5635

CRL OP.8577/2022

Date :13/04/2022

CSK 13/04/2022