



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Monday, the Twenty Third day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11861 of 2022

S.YOGESH

[ PETITIONER / ACCUSED ]

Vs

THE STATE REP BY  
THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
TAMBARAM,  
CHENNAI DISTRICT.  
CRIME NO.10 OF 2022.

[ RESPONDENT ]

For Petitioner : M/S.R.DINESHKUMAR Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate ( Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 20.03.2022 for the alleged offences under Sections 5(1), 5(j)(ii) r/w Section 6 of POCSO Act, 2012 in Crime No.10 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had forcibly committed penetrative sexual assault on the minor victim girl and she also became pregnant.

3. Heard Mr.R.Dineshkumar, learned counsel for the petitioner and Mr.S.Santhosh, learned Government Advocate (Crl. Side) for the respondent.

4.This Court carefully went through the 164 Cr.P.C. statement recorded from the victim girl. She has clearly stated that there was a love affair between her and the petitioner and both of them had sexual intercourse and there was also a proposal for getting her married to the petitioner after she attains majority.



5. Taking into consideration the facts and circumstances of the case and also the fact that the petitioner had already suffered incarceration for nearly 64 days and taking into consideration the 164 Cr.P.C. statement given by the victim girl and also the fact that the investigation is almost complete except awaiting for the lab report, this Court is inclined to enlarge the petitioner on bail subject to stringent conditions.

6. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.5,000/- (Rupees Five thousand only) with two sureties, each for a like sum to the satisfaction of the learned Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu, and on further conditions that :

[a] 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.

[b] the petitioner shall report before the respondent police as and when required.

[c] the petitioner shall not abscond either during investigation or trial.

[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 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/-  
23/05/2022

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,  
CHENGALPATTU.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
TAMBARAM,  
CHENNAI DISTRICT.

4 THE OFFICER INCHARGE  
SUB JAIL, CHENGALPATTU.

CC to M/S.R.DINESHKUMAR Advocate on payment of necessary  
charges

CRL OP.11861/2022

Date :23/05/2022

TA-24/05/2022