



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.12278 of 2022

CHINNAPAIYAN

[PETITIONER / ACCUSED]

Vs

STATE REP
BY THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TINDIVANAM, VILLUPURAM DISTRICT
CRIME NO. 22/2021

[RESPONDENT]

For Petitioner : M/S.K.KATHIRESAN 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 31.12.2021 on the alleged offence under Sections 366, 342, 354 (A), 323, 506(1) of I.P.C, r/w Sections 8, 5(1), 6, 17 of Protection of Children from Sexual Offence Act, 2012 in Crime No.22 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim girl, who was aged about 17 years, was kidnapped by A1 and A2 is said to have repeatedly committed penetrative sexual assault against the minor victim girl. The petitioner, who is ranked as A3 is said to have aided A2 in committing the offence.

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

4. On going through the 164 statement recorded from minor victim girl, it is seen that A2 had repeatedly committed penetrative sexual assault on the minor victim girl. The minor victim girl has not made any allegation against the petitioner and in fact, during the presence of the petitioner A2 did not go near the victim girl.



5. Taking into consideration of the facts and circumstances of the case and also the statement made by the minor victim girl and also the fact that the investigation has been completed and final report filed before the concerned Court and also the fact that the petitioner has already suffered incarceration for nearly 144 days, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his 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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram 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 learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram on every Monday at 10.30.am until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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.



1 THE SESSIONS JUDGE, SPECIAL
COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, VILLUPURAM

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TINDIVANAM, VILLUPURAM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.KATHIRESAN Advocate on payment of necessary charges
sr.7798

CRL OP.12278/2022

Date :23/05/2022

RVR 24/05/2022