



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.12059 of 2022

PARTHIBAN

[PETITIONER / ACCUSED]

Vs

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

[RESPONDENT]

For Petitioner : M/S.M.MACHAVATHARAN Advocate

For Respondent : M/S.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 04.04.2022, for alleged offences under Sections 452, 342, 354(A), 506(i) and 114 of IPC r/w. Section 11(i), 12 and 17 of Protection of Children from Sexual Offence Act, 2012 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, seeks bail.

2. The case of the prosecution is that the victim girl was studying in the XIth standard. On 02.04.2022, the petitioner is said to have trespassed into the house of the victim girl and when she came into the house, he is said to have dragged in the victim girl by pulling her nighty. Thereafter, the grandmother of the victim girl entered the house and seeing her, the petitioner and his friend who was waiting ran away from the place of occurrence.



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

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4. Taking into consideration the facts and circumstances of the case and also the fact that the petitioner is aged about 21 years and the petitioner and the victim girl belongs to the same village and also considering the statement given by the victim girl when 164 Cr.P.C. statement was recorded and considering the fact that the petitioner had already suffered incarceration for nearly 48 days, this Court is inclined to grant bail to the petitioner subject to stringent conditions.

6. In view of the above, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, out of which one surety shall be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, 2012, 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 respondent police every Monday at 10.30 a.m., 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 petitioners 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.

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-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 SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, 2012, VILLUPURAM.

2 THE OFFICER INCHARGE,
DISTRICT PRISON, VILLUPURAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S.M.MACHAVATHARAN Advocate on payment of necessary charges SR.NO. 7780

CRL OP.12059/2022

Date :23/05/2022

RW-24/05/2022