



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.13335 of 2022

Thilagu

.. Petitioner

Vs.

State represented by
Inspector of Police,
All Woman Police Station,
Arakonam,
Ranipet District.
Crime No.8 of 2022

.. Respondent

PRAYER:-

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in the above said crime No.8 of 2022 pending investigation on the file of the respondent police.

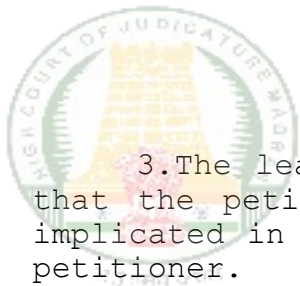
For Petitioner : Mr.G.P.Sivakumar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.04.2022 for the offence under Sections 341 of I.P.C. and Section 11 (1), 12 and 17 of POCSO Act, 2012 in crime No.8 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim girl aged about 16 years studying 10th standard in Government Higher Secondary School and she used to go to school by bus. During that times, the petitioner insisted the victim girl to love him and continuously disturbed her. Due to which, the victim girl put through mental stress. When the victim girl's mother came to know about the same, she lodged a complaint against the petitioner. Hence, the complaint.



3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in the present case and he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner compelled the victim girl aged about 16 years to love him and disturbed her several times. He also produced the statement recorded under Section 164 Cr.P.C. and he vehemently opposed to grant bail to the petitioner.

5. On perusal of the statement recorded under 164 Cr.P.C, it revealed that the petitioner compelled the victim girl to love him. Except the said allegations, no other allegation is levelled as against the petitioner. Taking into consideration the facts and circumstances of the case and the period of incarceration undergone by the petitioner from the date of his arrest namely on 21.04.2022, this Court is inclined to grant bail to the petitioner on condition that the petitioner shall execute the affidavit before the learned Special Judge for Exclusive Trial of Cases under POCSO Act, 2012, Vellore, while executing the bond, undertaking affidavit not to indulge in any other same kind of activities against the victim girl and the same should be attested by his parents.

6. Accordingly, 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, each for a like sum to the satisfaction of the learned Special Judge for Exclusive Trial of Cases under POCSO Act, 2012, Vellore and on further conditions that:-

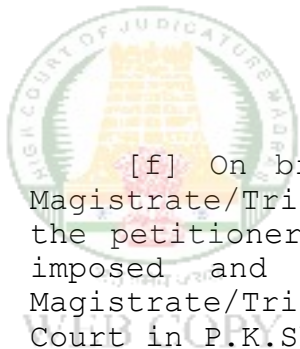
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall execute the affidavit before the learned Special Judge for Exclusive Trial of Cases under POCSO Act, 2012, Vellore, while executing the bond undertaking affidavit not to indulge in any other same kind of activities against the victim girl and the same should be attested by his parents.

[c] the petitioner shall report before the respondent police daily morning at 10.30 a.m and evening at 5.00 p.m for a period of four weeks and thereafter as and when required.

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

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



[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
13/06/2022

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
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT-2012,
VELLORE

2 THE INSPECTOR OF POLICE STATION,
ALL WOMEN POLICE STATION,
ARAKONAM RANIPET, VELLORE DISTRICT

3 THE SUPERINTENDENT,
CENTRAL JAIL, VELLORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.P.SIVAKUMAR Advocate on payment of necessary charges SR.NO.8905

CRL OP.13335/2022

Date :13/06/2022

JPA 13/06/2022