



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM

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

CrI.O.P.No.13462 of 2022

Calvin @ Calvijoe Ebineser

..Petitioner

Vs.

State Represented by
Inspector of Police,
Polur All Women Police Station,
Tiruvannamalai District.
Crime No.08 of 2022

..Respondent

PRAYER:- Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Cr.No.08 of 2022, on the file of the respondent Police.

For Petitioner : Mr.S.Parthasarathy

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.04.2022 for the offence under Sections 366, 376(i) & 506(i) of IPC and Sections 3(a), 4, 11(v) and 12 of POCSO Act, 2012, in crime No.08 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, one Parameswaran, an Out Reach Worker of District Child Protection Office, Thiruvannamalai lodged a complaint with the respondent police alleging that a report was received from the District Collector Office, Thiruvannamalai, that the victim girl aged about 16 years was subjected to sexual harassment. During the enquiry, on 22.04.2022, she alleged to have stated that the petitioner, on the pretext of love had sexual intercourse with her three months before and later on she stopped talking with him. Thereafter, the petitioner was alleged to have shared the information with his friend Vela/A2, who in turn had threatened the victim girl that the said incident had been videographed and it is under his custody and asked the victim girl to talk with the petitioner. The victim girl is said to have denied the incident and the videograph. Hence, the complaint.



3. The learned counsel appearing for the petitioner would submit that the petitioner had never committed any offence as alleged by the prosecution and it is a false complaint given by the victim on the instigation of his enemies. In fact, he also produced a letter written by the father of the victim girl to the District Collector, Tiruvannamalai dated 09.05.2022 and it reveals that no such offence had taken place.

4. The learned Additional Public Prosecutor produced the statement of the victim girl recorded under Section 164 of Cr.P.C.

5. On verification of the statement, it reveals that the petitioner had fell in love with the victim girl and due to which she was called by the petitioner. Thereafter, the petitioner had misbehaved with the victim girl and she escaped from the petitioner. However, the friend of the A1, who is arrayed as A2 threatened the victim girl as if he has the videograph between the petitioner and the victim girl while they were in close relationship. He also compelled the victim girl to have physical relationship with him and if she fails to come with him, he threatened her that he will post the videograph in the social media.

6. Therefore, the petitioner misbehaved with the victim girl on the date of occurrence. However, the victim girl escaped from A1. A2 was also arrested and remanded to judicial custody. On the perusal of the letter written by the father of the victim girl dated 09.05.2022, the entire complaint is a false complaint foisted against the petitioner and no such occurrence has took place.

7. Considering the above facts and circumstances of the case and also the period of incarceration of the petitioner from the date of his arrest on 24.04.2022, this Court is inclined to grant Bail to the petitioner with certain conditions.

8. 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 blood related sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvannamalai 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 stay at Chennai and report before the Inspector of Police, Washermenpet Police Station, daily at 10.30 a.m. and 5.30 p.m. for a period of three weeks and thereafter before the respondent police as and when required for interrogation.



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

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[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/-
10/06/2022

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 SESSIONS JUDGE
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, THIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
POLUR ALL WOMEN POLICE STATION,
THIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.



5 THE INSPECTOR OF POLICE,
WASHERMENPET POLICE STATION,
CHENNAI.

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+1CC to M/S.S.PARTHASARATHY Advocate on payment of necessary
charges SR.No.8854

CRL OP.13462/2022

Date :10/06/2022

CSK 10/06/2022