



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.06.2022

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CORAM

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

Cr1.O.P.No.13456 of 2022

Ayyasamy

... Petitioner

Vs.

The State rep. by Inspector of Police,
Arni-All Women Police Station,
Tiruvannamalai District,
(Cr.No.5 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.5 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.Sathiyaraj E.

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.04.2022 for the offence under Section 376 (2)(f), 506(ii) of IPC and Sections 3(b), 4, 5(n), 6 of Protection of Children from Sexual Offence Act, 2012 in crime No.5 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had touched the body of the victim girl aged about 14 years. Based on the grievance reported to District Social Welfare Officer, the case was registered against the petitioner before the respondent Police.

3. The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. He would also submit that the petitioner was arrested and remanded to judicial custody on 03.04.2022. Hence, he prays for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the petitioner is the father of the victim, and the age of the victim is about 14 years. He further produced the statement recorded under Section 164 of Cr.P.C of the victim girl.

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5. On perusal of the submissions, the petitioner is none other than the father of the victim girl aged about 14 years. The learned Additional Public Prosecutor produced statement recorded under Section 164 of Cr.P.C of victim girl and it is reveals that only on the instigation of her mother, she stated that her father, on the drunken mode misbehaved with her. She further stated that there was no misbehaviour caused by her father.

6. 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 03.04.2022, this Court is inclined to grant bail to the petitioner.

7. 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 **Special Court for Exclusive Trial of Cases Under POCSO Act at Tiruvannamalai Judicial Magistrate, Tiruvannamalai** 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 daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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/-

10/06/2022

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This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
TIRUVANNAMALAI JUDICIAL MAGISTRATE, TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ARNI ALL WOMEN POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S SATHIYARAJ E. Advocate on payment of necessary charges SR.NO.8849

CRL OP.13456/2022

Date :10/06/2022

TA-13/06/2022