



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM

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

Cr1.OP.No.14352 of 2022

Dineshkumar

.. Petitioner

Vs.

State Rep by:
The Inspector of Police,
Edaiyur Police Station,
Tiruvarur District.
(Crime No. 72 of 2022)

.. Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail by the respondent in Crime No.72 of 2022 on the file of the respondent Police.

For Petitioner : Mr.N. Palanivel

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.05.2022 for the alleged offence punishable under Sections 294 (b), 506(ii) of IPC and Section 11(i) r/w 12 of POCSO Act, 2012 in Crime No. 72 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant's daughter and her friends were returning home from School and at that time, the petitioner came in his two wheeler in a rash and negligent manner and abused the defacto complainant's daughter and her friends in an unparliamentary words and asked them to give a company to him. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He



would further submit that the petitioner was arrested and remanded to judicial custody on 13.05.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that 164 Statement has not been recorded. However, he vehemently opposed to grant bail to the petitioner.

5. Even according to the prosecution, the petitioner threatened the victim girls and eve teased them. Further, the petitioner was arrested and remanded to judicial custody on 16.05.2022. There is no case of sexual assault on the victim girls.

5. Considering the above facts and circumstances of the case, and also taking note of the fact that the petitioner is in judicial custody from 16.05.2022, this Court is inclined to grant bail to the petitioner.

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 blood related sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Thiruthuraipoondi 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 Morning at 10.30 a.m. and Evening at 5.30 p.m. for a period of four 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.

WEB COPY

-sd/-
04/07/2022

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 JUDICIAL MAGISTRATE,
THIRUTHURAIPOONDI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
EDAIYUR POLICE STATION,
TIRUVARUR DISTRICT.

4 THE OFFICER INCHARGE
DISTRICT PRISON, NAGAPATTINAM

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.N.PALANIVEL Advocate on payment of necessary
charges SR.NO.10536

CRL OP.14352/2022

Date :04/07/2022

JPA 04/07/2022