



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2022

CORAM

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

CrI.OP.No.15127 of 2022

Monuram

..Petitioner/A1

Vs.

State Represented by
Inspector of Police,
All Women Police Station,
W-4, All Women Police Station
Kilpauk, Chennai
crime No.17 of 2021

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in SC.No.75 of 2022 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Chennai in respect of crime No.17 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Shankar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.12.2021 for the offence punishable under Sections 9(e) r/w 10 of POCSO Act in SC.No.75 of 2022 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Chennai in respect of crime No.17 of 2021 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the defacto complainant's daughter aged about 9 years was admitted in the Mehtha Hospital at Chetpet and on the occurrence day, the petitioner who is working as Service Boy in the canteen attached with the hospital went to serve food to the victim child's room. At that time, since the child was alone, the petitioner tried to kiss the child. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner who is serving food to the patients for the last six years, used to visit the victim child's room to serve



the food and on the occurrence day, the mother of the victim child / defacto complainant was in the room and after serving food, the petitioner casually enquired the health of the child and after he helped the mother to change venflon from one hand to another hand of the child and wished her speedy recovery by touching the head of the child. However, the defacto complainant and her uncle who had a motive shouted and lodged the false complaint. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is the single accused. He would further that after completing investigation, charge sheet was filed and the same has been taken cognizance in SC.No.75 of 2022 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Chennai and the same is pending.

5. On perusal of the statement recorded under Section 164 of Cr.P.C., revealed that when the petitioner came to the child's room for giving thunder coconut, he kissed the victim girl aged about 9 years. Thereafter, he also wished her for speedy recovery. Therefore, the petitioner was arrested and remanded to judicial custody on 10.12.2021 and the respondent completed investigation and filed final report, which was taken cognizance in SC.No.75 of 2022 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

6. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. 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 Special Court for Exclusive Trial of Cases under POCSO Act, Chennai 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 trial court viz., Special Court for Exclusive Trial of Cases under POCSO Act, Chennai daily at 10.30 a.m. and 05.30 p.m. until further orders.

[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/-

01/07/2022

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 SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
W-4 ALL WOMEN POLICE STATION,
KILPUAK, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.SHANKAR Advocate on payment of necessary charges
Sr.10515

CRL OP.15127/2022

Date :01/07/2022

RVR 01/07/2022