



CrI.OP.No.15602 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2022

CORAM

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

CrI.OP.No.15602 of 2022

S.Prabhudass

...Petitioner

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
Nannilam Thiruvarur.
Crime No.16 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with Crime No.16 of
2022 on the file of the respondent police.

For Petitioner : Mr.Balaji Sankara Moorthy

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.06.2022 for the offences punishable under Section **9(m) and 10 of POCSO Act, 2012** in crime No.16 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is a livestock compounder and the victim girl is aged about 9 years. It is alleged that the petitioner attempted to commit penetrative sexual assault on her.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that when the petitioner checked the victim girl's illness, the petitioner touched the victim girl's hand and upon seeing this, the defacto complainant lodged a false complaint against the petitioner. That apart, the petitioner has been suffering incarceration from 14.06.2022. Therefore, he prays to grant anticipatory bail to the petitioner

4. The learned Additional Public Prosecutor would submit that the petitioner attempted to commit penetrative sexual assault against the



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victim girl aged about 9 years. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration undergone by the petitioner from the date of arrest ie., from 14.06.2022, 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 learned **Court of Sessions Judge, Fast Track Mahila Court, Thiruvarur** 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 four weeks and thereafter as and



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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.

14.07.2022

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To

1. Court of Sessions Judge,



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Fast Track Mahila Court, Thiruvapur

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2. The Inspector of Police,
All Women Police Station,
Nannilam Thiruvapur.

3. District Prison,
Nagapattinam.

4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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