



Crl.OP.No.16218 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2022

CORAM

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

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Munusamy

..Petitioner

Vs.

State rep by the Inspector of Police,
Katpadi Police Station,
Katpadi, Vellore District.
(Crime No.227 of 2022).

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in Crime No.227 of 2022 on the file of the Inspector of Police, Katpadi Police Station, Katpadi, Vellore District.

For Petitioner : Mr.G.Vinodh Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.05.2022 for the offence punishable under Sections 11(iv),



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12 and 18 of POCSO Act r/w 447 of IPC in crime No.227 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that victim aged about 11 years is the daughter of the *de-facto* complainant. On 24.05.2022, at about 11.00 a.m., when the victim was alone in the house, the petitioner herein who is their neighbour entered into the house and pushed her on the bed. When the victim raised alarm, the petitioner said to have pushed her aside and ran away from the scene of occurrence. Hence, the case.

3. On perusal of the statement recorded under Section 164 of Cr.P.C. it reveals that the victim is aged about 11 years and when she was in her house, the petitioner came there and pushed her down. Thereafter, he attempted to come in force to her. Thereafter, the victim's paternal uncle came there and immediately the petitioner went out.

4. Considering the above facts and circumstances of the case and also considering the period of incarceration from the date of arrest



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i.e., 25.05.2022, 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 learned Special Judge for Exclusive Trial of Cases under POCSO Act, Vellore 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 Kalpakkam and report before the Inspector of Police, Kalpakkam Police Station, Kalpakkam twice daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter before the respondent police twice daily at 10.30 a.m. and 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



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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.

13.07.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Special Judge for exclusive trial of cases under POCSO Act,
Vellore.
- 2.The Inspector of Police,
Katpadi Police Station,
Katpadi, Vellore District.
- 3.Central Prison,
Vellore.
- 4.The Public Prosecutor,
High Court of Madras

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