



CrI.OP.No.16333 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2022

CORAM

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

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Paul Jabakumar

..Petitioner

Vs.

The State,
Reptd. by The Station Housing Officer,
Town Police Station, Karaikal,
Rep. through Special Public Prosecutor,
Karaikal District
crime No.30 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in crime No.30 of 2022 pending
investigation on the file of the respondent police.

For Petitioner : Mr.V.Suriya Sankar

For Respondent : Mr.V.Balamurugane,
Public Prosecutor(Puducherry)

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 05.02.2022 for the offences punishable under Section 10 of



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POCSO Act, 2012 and Sections 323 & 506(ii) of IPC in crime No.30 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the defacto complainant returned home after work on 02.02.2022, she noticed her daughter feel sad. On 03.02.2022 at about 1.30 p.m., her daughter came to the defacto complainant's work place and told to the complainant that the petitioner allegedly hugged her and touched her chest and also she was threatened. On 03.02.2022 at about 10.00 a.m., the petitioner allegedly hugged her and touched her chest and body and when she tried to escape from him, he pulled her by holding her right hand which caused linear abrasion on her wrist and threatened her not to disclose about his misbehaviour to anybody, otherwise he will kill her mother. Hence, the case.

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. Hence, he prays for grant of bail to the petitioner.



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4. The learned Public Prosecutor (Puducherry) would submit that the age of the victim is 13 years and the mother of the victim is the defacto complainant. He would further submit that the petitioner has committed offence against the minor victim girl. Hence, he vehemently opposed to grant bail to the petitioner.

5. According to the petitioner, he is having living together relationship with the defacto complainant, who is the mother of the victim. Thereafter, the petitioner also had relationship with her sister. Therefore, the present complaint has been lodged as if the petitioner has hugged the victim and touched her chest. The victim's age is about 13 years. There was no other sexual assault on the victim girl by the petitioner.

6. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e. 05.02.2022, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his



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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 Judge (under the POCSO Act, 2012) at Karaikal 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. 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



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registered under Section 229A IPC.

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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Special Judge (under the POCSO Act, 2012)
at Karaikal
- 2.The Station Housing Officer,
Town Police Station, Karaikal,
Karaikal District
- 3.Central Prison,
Puducherry
- 4.The Public Prosecutor,
High Court of Madras

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