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CrI.OP.No.16886 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2022

CORAM

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

CrI.OP.No.16886 of 2022

Lawrence

..Petitioner

Vs.

State Rep. by Inspector of Police,
All Women Police Station,
Kottakuppam,
Villupuram District.
(Crime No.12/2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.12 of 2022 on the
file of the respondent, pending investigation.

For Petitioner : Mr.S.Suresh

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 15.04.2022 for the offence under Sections 354D, 506(ii) of



CrI.OP.No.16886 of 2022

Indian Penal Code r/w Section 11(1), 12 of Prevention of Children from Sexual Offences Act in crime No.12 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that petitioner used to stalk and threaten the *de-facto* complainant's daughter to marry him. Further he had asked her to inform him when she was alone to have intercourse. On 14.04.2022, when the *de-facto* complainant and her daughter were standing in the bus stand, the petitioner herein alleged to have given a gift to her daughter. When she refused to receive the same, the petitioner had threatened her with dire consequences and further threatened her that if she fails to marry him she will face an acid attack. Hence, the complaint.

3. On perusal of the statement recorded under Section 164 of Cr.P.C. reveals that petitioner compelled the victim girl aged about 16 years to love him and if she does not love him, he will pour acid on her face. Except this allegation, there is no other sexual assault on the victim



CrI.OP.No.16886 of 2022

girl. That apart, the petitioner was arrested and remanded to judicial custody on 15.04.2022.

4. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner shall file an undertaking affidavit before the learned Magistrate concerned undertaking not to indulge in any similar kind of activities in future and on such undertaking, 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 Sessions Judge, Special Court for exclusive trial of Cases, Under POCSO Act, Villupuram** 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 twice daily at 10.30 a.m. and 5.30 p.m., for a period of eight weeks and thereafter as and when required for interrogation.



CrI.OP.No.16886 of 2022

[c] the petitioner shall file an undertaking affidavit before the learned Magistrate concerned undertaking not to indulge in any similar kind of activities in future, at time of execution of bond.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

20.07.2022

mpl



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CrI.OP.No.16886 of 2022



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Crl.OP.No.16886 of 2022

G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Sessions Judge,
Special Court for exclusive trial of Cases,
Under POCSO Act,
Villupuram.
- 2.The Inspector of Police,
All Women Police Station,
Kottakuppam,
Villupuram District.
- 3.Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras

Crl.O.P.No.16886 of 2022

20.07.2022