



Crl.OP.No.16855 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2022

CORAM

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

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Thiyagarajan

..Petitioner

Vs.

State Rep. by Inspector of Police,
All Women Police Station,
Sankari,
Salem District.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime.No.14/2022 pending
investigation on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 28.05.2022 for the offence under Section 366 of IPC and



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Section 11(1), 12 of Protection of Children from Sexual Offence Act 2012 in crime No.14 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that petitioner and the *de-facto* complainant were neighbours. The *de-facto* complainant's daughter is aged about 14 years and the petitioner herein is a married man having two children. One year prior to the date of occurrence, on knowing that the petitioner and victim were talking to each other, the *de-facto* complainant warned the petitioner not to have any relationship with the victim girl and vacated her house. It is alleged that on the pretext of love affair, petitioner had kissed the victim girl on her cheek and threatened her not to disclose the same to anyone. Further, he informed the *de-facto* complainant that he will marry her daughter after she attains 18 years. Hence, the complaint.

3. On perusal of the statement recorded under Section 164 of Cr.P.C. reveals that the petitioner compelled the victim girl to love him



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and also kissed her. Thereafter, assured her that after completion of 18 years he will marry her. Except these allegations, there is no other allegation that he had sexually assaulted the victim girl.

4. Considering the above facts and circumstances of the case, and also the period of incarceration of the petitioner from the date of his arrest i.e. 28.05.2022, 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 Special Sessions Judge, (POCSO) Act, Salem, Salem District** 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



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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.

[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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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Special Sessions Judge, (POCSO) Act,
Salem, Salem District.
- 2.The Inspector of Police,
All Women Police Station,
Sankari,
Salem District.
- 3.Central Prison,
Salem.
- 4.The Public Prosecutor,
High Court of Madras

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