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Crl.O.P.No.17307 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2022

CORAM

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

Crl.O.P.No.17307 of 2022

Vasu @ Vasudevan

...Petitioner

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
Thudiyalur,
Coimbatore District.
Crime No.10 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.10 of 2022 on the file of the respondent police.

For Petitioner : Mr.M.Subash

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.06.2022 for the offences punishable under Sections 7 and 8 of POCSO Act in Crime No.10 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, the victim is a 14 year old boy. It is alleged that the petitioner took the victim boy into his room and thereby touched his body and also on his private part. 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. He would further submit that, due to previous enmity, the defacto complainant has lodged a false complaint. That apart, the petitioner has been suffering incarceration from 05.06.2022. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor produced the



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statement of the victim boy recorded under Section 164 of Cr.P.C.

However, he vehemently opposed grant of bail to the petitioner.

5. On perusal of the statement of the victim boy recorded under Section 164 of Cr.P.C revealed that the petitioner had touched all over his body and also rubbed his hand on the private part of the victim boy.

6.Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner from the date of arrest ie., from 05.06.2022, this Court is inclined to grant bail to the petitioner.

7. 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 sureties**, each for a like sum to the satisfaction of the learned **Special Court for POCSO Act cases, Coimbatore** and on further conditions that:



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[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 04.30.p.m., for a period of six 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 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.

25.07.2022

sma

To



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1. Special Court for POCSO Act Cases,
Coimbatore.

2. The Inspector of Police,
All Women Police Station,
Thudiyalur,
Coimbatore District.

3. Central Prison,
Coimbatore.

4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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