



WEB COPY



CrI.OP.No.18126 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2022

CORAM

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

CrI.OP.No.18126 of 2022

Santhosh

..Petitioner

Vs.

State Rep.by
The Inspector of Police,
All Women Police Station,
Gingee,
Cr. No.21/2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in
Cr.No.21/2022 on the file of the Respondent Police.

For Petitioner : Mr.S.Mazhaimeni Pandiyan

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 10.06.2022 for the offence under Sections 341, 452, 354(A),



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506(i) of IPC r/w Section 7, 8 of POCSO Act 2012 in crime No.21 of 2022 on the file of the respondent police, seeks bail.

2. The petitioner fell in love with the victim girl. On perusal of the statement recorded under Section 164 of Cr.P.C. revealed that on 29.05.2022, the petitioner visited the victim girl and kissed her. Immediately, he went away. Thereafter, the victim's brother reached there and beaten him. Therefore, there was no other sexual assault by the petitioner herein.

3. 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. 10.06.2022, 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 shall not compel the victim girl to love him** and on such undertaking, the petitioner is ordered to be released on bail on his executing a bond for a



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sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the **POCSO Court at 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 four 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 and shall not compel the victim girl to love him, 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.**



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State of Kerala [(2005)AIR SCW 5560].

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

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mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The POCSO Court at Villupuram.
- 2.The Inspector of Police,
All Women Police Station,
Gingee.
- 3.Central Prison at Villupuram (Vedampattu).
- 4.The Public Prosecutor,
High Court of Madras

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