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Crl.O.P.No.17981 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2022

CORAM

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

Crl.O.P.No.17981 of 2022

Tusshar M Jain

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
W-10, All Women Police Station,
C-1, Flower Bazaar Police Station,
Chennai – 600 005.
(Crime No.03 of 2022)

... Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner/accused on bail in Cr.No.3 of 2022
pending on the file of the respondent police.

For Petitioner : Mr.S.Prabakaran
Senior Counsel
for M/s.A.Saravanan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.04.2022 for the offences punishable under Sections 366, 376(3), 384, 506(1) of IPC read with Section 5(1) and 6 of POCSO Act, 2012 in Crime No. 3 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, the defacto complainant lodged a complaint before the respondent police stating that, while she was studying eighth standard, on the pretext of marriage, the petitioner had sexually assaulted her. It is further alleged that the petitioner demanded huge money by threatening her that, the nude photos of the defacto complainant will be uploaded in social media. Hence, the complaint.

3. On perusal of the statement of the victim girl recorded under Section 164 of Cr.P.C., revealed that the occurrence took place in the year 2018. On request made by the petitioner, the victim herself had sent



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her nude photographs to the petitioner when she was aged about 14 years. Thereafter, they had physical relationship at the time of her 12th standard. The petitioner had some financial issues, as such, he received money from the victim girl. Thereafter, there was no physical relationship between them.

4. The learned Additional Public Prosecutor submitted that investigation completed and charge sheet has been filed. However, he opposed for grant of bail to the petitioner.

5. 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 08.04.2022, this Court is inclined to grant bail to the petitioner.

6. 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 blood related sureties**, each for a like sum to the satisfaction of the learned **Sessions Judge, Special Court for Exclusive**



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Trial of Cases under POCSO Act, Chennai 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 04.30.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 registered under Section 229A IPC.



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To

1. Sessions Judge, Special Court for Exclusive Trial of Cases
Under POCSO Act, Chennai.
2. The Inspector of Police,
W-10, All Women Police Station,
C-1, Flower Bazaar Police Station,
Chennai – 600 005.
3. Central Jail,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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