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Crl.O.P.No.17901 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.17901 of 2022

Balasundar

... Petitioner

Vs.

State rep by:-
Inspector of Police,
W-31, All Women Police Station,
St.Thomas Mount,
Chennai – 600 016.
Crime No.07 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 Crime No.7 of 2022
pending investigation before the respondent police station.

For Petitioner : Mr.R.Rajesh Vivekananthan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.07.2022 for the offences punishable under Sections 12 of POCSO Act, 2012 in Crime No.07 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, the petitioner had kissed the victim child aged about 9 years. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is like a grand father to the victim child and due to love and affection with the child, the petitioner had kissed the victim child and due to previous enmity, false complaint has been lodged. He further submit that the petitioner is in Judicial Custody from 02.07.2022. onwards. Hence, he has prayed for grant of bail to the petitioner.

4. On perusal of the statement of the victim girl recorded under Section 164 of Cr.P.C., revealed that the petitioner had kissed the victim girl aged about 9 years.



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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 02.07.2022, 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 sureties**, each for a like sum to the satisfaction of the learned **Sessions Judge, Special Court for Exclusive Trial of Cases Under POCSO Act, Chengalpet 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 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;



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[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,
Chengalpet District
2. Inspector of Police,
W-31, All Women Police Station,
St.Thomas Mount,
Chennai – 600 016.
3. Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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