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CrI.OP.No.18699 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2022

CORAM

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

CrI.OP.No.18699 of 2022

Navas Khan

..Petitioner

Vs.

State Rep by:

The Station House Officer,

Town Police Station,

Karaikal.

(Crime No. 98 of 2022)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.98 of 2022 on the file of the respondent Police.

For Petitioner : Mr.V.Vivek

For Respondent : Mr.V.Balamurugane
Public Prosecutor for Puducherry

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.05.2022 for the alleged offence punishable under Section 8 of the POCSO Act 2012 and under Section 323 and 506(ii) of IPC @



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under Section 6 and 8 of the POCSO Act, 323, 328 and 506(ii) of IPC in Crime No. 98 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein had committed penetrative sexual assault on the defacto complainant's daughter, aged about 15 years by touching her breast and pulled her hand with sexual intent. When she tried to escape from the petitioner's hand, the petitioner had assaulted her, caused injuries and threatened her with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.

4. A perusal of the statement recorded under Section 164 Cr.P.C of the victim reveals that no such occurrence had taken place and only as instructed by the respondent, an FIR has been registered as against the petitioner. That apart, the petitioner was arrested and



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remanded to judicial custody on 24.05.2022. As per the FIR, the petitioner had kissed the victim and touched her breast.

5. Considering the above facts and circumstances of the case, and also taking note of the fact that the petitioner is in judicial custody from 24.05.2022, 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 Special Judge, Karaikal 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 daily Morning at 10.30 a.m. and Evening at 5.30 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.



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[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. The Special Judge, Karaikal
2. The Station House Officer,
Town Police Station,
Karaikal.
3. Central Prison, Pondicherry.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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