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Crl.O.P.No.22882 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2022

CORAM

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

Crl.O.P.No.22882 of 2022

Karthick

..Petitioner

Vs.

State Rep by,
The Inspector of Police,
All Women Police Station,
Mayiladuthurai
In Crime No.6 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.6 of 2022 pending on the file of the respondent.

For Petitioner	: Mr.T.Padmanabhan
For Respondent	: Mr.S.Santhosh, Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.03.2022 for the alleged offence punishable under Sections 12 r/w 11(iv), 8 r/w 7, 4 r/w 18 of POCSO Act, 2012 and Section 506(ii) of IPC in Crime No. 6 of 2022 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner abused the victim girl, who is aged about 15 years and had committed sexual assault on the victim girl. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. He would also submit that the petitioner was arrested and remanded to judicial custody on 25.03.2018. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that earlier this Court dismissed the bail petitions filed by the petitioner in Crl.O.P.Nos.13406, 15353 and 18282 of 2022 on 01.06.2022, 04.07.2022 and 04.08.2022 respectively. Hence, he vehemently opposed to grant bail to the petitioner.

5. On perusal of the statement recorded under Section 164 of Cr.P.C, it reveals that the petitioner fell in love with the victim girl and he also compelled her to love him. Due to love affair, he hugged and kissed to her. Therefore, the petitioner also threatened to love him. Except these



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allegations, there was no penetrative sexual assault by the petitioner.

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6. Considering the above facts and circumstances of the case and taking note of the fact that the age of the petitioner and also period of incarceration i.e the date of arrest on 04.07.2022, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner shall produce the undertaking affidavit stating that the petitioner not to indulge any kind of similar activities as against the victims girl before the Special Court under POCSO Act (Additional Sessions Judge), Nagapattinam and on such affidavit, 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 sureties, each for a like sum to the satisfaction of the Special Court under POCSO Act (Additional Sessions Judge), Nagapattinam 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.



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[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.

[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.

21.09.2022

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To



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- 1.The Special Court under POCSO Act
(Additional Sessions Judge), Nagapattinam.
2. The Inspector of Police,
All Women Police Station,
Mayiladuthurai
- 3.The Public Prosecutor,
High Court of Madras.
4. District Jail,
Nagapattinam.

G.K.ILANTHIRAIYAN, J.



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