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CrI.OP.No.19172 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2022

CORAM

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

CrI.OP.No.19172 of 2022

K.Arumugam

...Petitioner

Vs.

State: Inspector of Police,
E4, Abhiramapuram Police Station,
Chennai.

(Crime No.268 of 2022).

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to release the petitioner on bail pending investigation in Crime
No:268 of 2022 on the file of the respondent.

For Petitioner	: Mr.J.Ranjith Kumar
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 09.07.2022 for the offences punishable under Sections **7 r/w**
8 of POCSO Act 2012 in Crime No.268 of 2022 on the file of the
respondent police, seeks bail.



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2. The case of the prosecution is that petitioner is a flower vendor and for the purpose of selling flower, he used to visit the *de-facto* complainant's apartment everyday. On 02.07.2022, the petitioner had went to the victim's apartment. While the victim was playing around the apartment, the petitioner had sexually abused him and also touched his private parts. Hence, the complaint.

3. The petitioner is aged about 50 years and the victim boy is aged about 15 years. On perusal of the statement recorded under Section 164 of Cr.P.C. revealed that the petitioner touched his private parts and thereafter, he has sought for apologizes. Except the said allegation, no other harassment was made by the petitioner.

4. 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., 09.07.2022, this Court is inclined to grant bail to the petitioner. 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**



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Special Sessions Judge for exclusive trial of cases under POCSO Act

2012, 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 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.

12.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Special Sessions Judge for exclusive trial of cases under POCSO Act 2012, Chennai.
- 2.The Inspector of Police,
E4, Abhiramapuram Police Station,
Chennai.
- 3.Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras

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