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CrI.OP.No.19281 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2022

CORAM

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

CrI.OP.No.19281 of 2022

Selvaraj

...Petitioner

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Omalur,
Salem District.
(Crime No.8 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.8 of 2022 on the file
of the respondent pending investigation.

For Petitioner

:M/s. L. Mouli

For Respondent

:Mr.A.Gopinath

Govt Advocate (CrI. Side)



CrI.OP.No.19281 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.06.2022 for the offences punishable under Sections 11(i), 12, 9(m) and Section 10 of the Protection of Child from Sexual Offences Act, 2012 in crime No.8 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner, who is aged about 67 years had sexually assaulted the victim minor girls aged about 9 years and 6 years. Hence, the case.

3. On perusal of the statement of both the victim girls recorded under Section 164 of Cr.P.C revealed that the petitioner had allegedly touched the victim girls' chest.

4. The learned counsel for the petitioner submitted that the petitioner is the land lord and the defacto complainant is the tenant. When the petitioner asked the defacto complainant to pay the rent, she refused to pay and thereby lodged the the present false complaint. Hence, he prays to grant bail to the petitioner.



CrI.OP.No.19281 of 2022

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of their arrest i.e., 16.06.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing separate 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 **learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Salem** 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.



CrI.OP.No.19281 of 2022

WEB COPY

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

16.08.2022

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Crl.OP.No.19281 of 2022

WEB COPY

To

1. Sessions Judge, Special Court for
Exclusive Trial of Cases under POCSO Act,
Salem
2. The Inspector of Police,
All Women Police Station,
Omalur,
Salem District.
3. Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras



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CrI.OP.No.19281 of 2022

G.K.ILANTHIRAIYAN, J.

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CrI.O.P.No.19281 of 2022

16.08.2022