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Crl.O.P.No.19600 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2022

CORAM

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

Crl.O.P.No.19600 of 2022

Hariharan

... Petitioner

Vs.

State of Tamil Nadu
Rep. by Inspector of Police,
All Women Police Station – EAST,
Coimbatore City.
Crime No.24 of 2022

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail, pending investigation of the case in the Crime No.24 of 2022 on the file of the Respondent.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.06.2022 for the offences punishable under Sections 11(iv) and 12 of Protection of Children from Sexual Offences Act in Crime No.24 of 2022 on the file of the respondent police, seeks bail.



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2. According to the defacto complainant, his granddaughter complaint to him in the month of January, 2022 that the accused had expressed his love for her and passed on his phone number. After complaining about his behaviour to his mother, the defacto complainant had shifted his residence and admitted the minor in Presentation Convent School, near Head Post Office, Coimbatore. However, the accused said to have visited that school on 23.06.2022 and shouted at the minor for not making phone calls to him and hence the school authorities had removed the minor girl from the school. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the he has been working as a delivery boy in Amazon to support his mother and he was arrested and remanded to judicial custody from 26.06.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the accused is studying Bio Medical Engineering and has



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completed his second year. He also produced the statement recorded under Section 164 Cr.P.C.

5. A perusal of the statement recorded under Section 164 Cr.P.C. reveals that the victim girl is aged about 12 years. The petitioner is also a college student. He proposed love affair with the victim girl. Thereafter, he was threatened and continuously tortured the minor girl to love him.

6. 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. 26.06.2022, this Court is inclined to grant bail to the petitioner. Accordingly, **the petitioner shall file an undertaking affidavit attested by his parents before the learned Magistrate concerned undertaking that he will not indulge in any similar kind of activities in future and shall not compel the victim girl to love him and attested by his parents** and on such undertaking, 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



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of the Special Court for the Exclusive Trial of Cases under POCSO Act,
Coimbatore 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 as and when required for interrogation.

[c] the petitioner shall file an undertaking affidavit attested by his parents before the learned Magistrate concerned undertaking that he will not indulge in any similar kind of activities in future and shall not compel the victim girl to love him, at the time of execution of bond.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be



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registered under Section 229A IPC.

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G.K.ILANTHIRAIYAN, J.

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To

1. The Special Court for Exclusive Trial of cases under POCSO Act,
Coimbatore.
2. The Inspector of Police,
All Women Police Station – EAST,
Coimbatore City.
3. Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras

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