



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.19481 of 2022

Kathiresan

.. Petitioner

Vs.

State rep.by
The Inspector of Police,
All Women Police Station Palladam,
Tiruppur District.
Crime No.5 of 2022

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Spl.S.C.No.73 of 2022 on the file of Sessions Judge, Magalir Neethimandram, (FTMC), Tiruppur in Crime No.5 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr. C.S. Saravanan

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



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ORDER

The petitioner herein is aged about 38 years, he had kidnapped a minor girl and later, the respondent police has rescued the girl and arrested the petitioner. Later, after released on bail, he has again approached the minor girl and has harassed her in the public place and compelled her to come along with him, she reported this to school authorities and later to the police, based on which, the second case was registered against him in FIR.No.5 of 22 dated 07.02.2022 for alleged offence under Section 11(4) r/w 12 of POCSO Act, and Section 9 of Prohibition of Child Marriage Act, 2006.

2. When the petitioner sought for bail, the trial Court taking note of his past conduct and the fact that the final report filed and taken as Spl.S.C.No.73 of 2022, had dismissed the petition.

3. This Court finds that the petitioner is in prison for the past six months for alleged offence of sexual harassment on minor girl. Though, his



past conduct appears to be the reason for dismissing the bail by the trial Court, to give an opportunity for him to defend his case, this Court is inclined to grant bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with two sureties, each for a like sum to the satisfaction of the Sessions Judge, Magalir Neethimandram, (FTMC), Tiruppur.

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) **the petitioner is directed to report before the trial Court every Monday and on all dates of hearing;**

(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 Judicial 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.

18.08.2022

AT



To

1.The Sessions Judge, Magalir Neethimandram, (FTMC),
Tiruppur.

2.The Inspector of Police,
All Women Police Station Palladam,
Tiruppur District.

3.The Superintendent of Prison,
Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

AT

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