



CrI.OP.No.19844 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2022

CORAM

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

CrI.OP.No.19844 of 2022

Kalidass @ Kannan

..Petitioner/accused

Vs.

State represented by Station House Officer,
Neravy Police Station,
Karaikal, Puducherry
crime No.9 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Special SC.No.7 of 2022 on the file of the learned Special Judge (under the POCSO Act, 2012) at Karaikal in respect of crime No.9 of 2022 on the file of the respondent police.

For Petitioner : Mr.P.Suresh Babu

For Respondent : Mr.V.Balamurugane
Public Prosecutor(Puducherry)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.02.2022 for the offences punishable under Sections 6 of the POCSO Act and Sections 294(b), 506(ii) of IPC., in Special SC.No.7 of 2022 on the file of the learned Special Judge (under the POCSO Act, 2012) at Karaikal in respect



Crl.OP.No.19844 of 2022

of Crime No.9 of 2022 on the file of the respondent police, seeks bail.

WEB COPY

2. The case of the prosecution is that the petitioner had committed aggravated penetrative sexual assault on the minor victim girl aged about 16 years and further threatened her that if she discloses the same, he would upload her photos and videos in the social media. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. Further the respondent completed investigation and filed final report in Spl.S.C.No.7 of 2022 and the same is pending for trial. He further submitted that the petitioner was arrested and remanded to judicial custody on 14.02.2022 and incarcerated for the past six months. Therefore, he prays to grant bail to the petitioner.

4. The learned Public Prosecutor (Puducherry) submitted that this is the third bail petition filed by the petitioner and this Court already dismissed the earlier bail petitions. The petitioner had taken the victim girl and assaulted her as such she fell unconscious. Thereafter he committed aggravated penetrative sexual assault on her and also taken video of the same. He also



CrI.OP.No.19844 of 2022

threatened her, if she discloses the same to anyone, he will upload the video on social media and also throw acid on her face. If the petitioner released on bail, he would tamper the witnesses and hamper the evidence. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen from the statement recorded under Section 164 of Cr.P.C., the occurrence took place from the month of November 2021 to December 2021. That apart, in the month of December 2020 itself, the petitioner attempted to express his love affair with the victim. In fact, due to the said occurrence, victim also got pregnant. After four months only, the complaint has been lodged. However, the victim is a minor. Now it is charge sheeted and the petitioner is facing trial. Though the trial court has taken cognizance in Spl.S.C.No.7 of 2022, even till today, no trial has been commenced and it is pending. The petitioner was arrested and remanded to judicial custody on 14.02.2022.

6. Considering the above facts and circumstances of the case and also period of incarceration by the petitioner from the date of his arrest i.e. 14.02.2022, this Court is inclined to grant bail to the petitioner.



Crl.OP.No.19844 of 2022

7. 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 Special Judge (under the POCSO Act, 2012), Karaikal 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 trial Court viz., learned Special Judge (under the POCSO Act, 2012), Karaikal daily at 10.30 a.m and 05.30 p.m. for a period of six weeks and thereafter as and when required.

[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]**.



CrI.OP.No.19844 of 2022

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

registered under Section 229A IPC.

23.08.2022

lok



WEB COPY



Crl.OP.No.19844 of 2022

G.K.ILANTHIRAIYAN, J.

lok

To

- 1.The learned Special Judge (under the POCSO Act, 2012),
Karaikal
- 2.Station House Officer,
Neravy Police Station,
Karaikal, Puducherry
- 3.Central Prison,
Kalapet, Puducherry
- 4.The Public Prosecutor,
High Court of Madras

Crl.O.P.No.19844 of 2022

23.08.2022