



Crl.OP.No.20079 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2022

CORAM

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

Crl.OP.No.20079 of 2022

Venkatesan

...Petitioner

Vs.

The State rep by its;-
Inspector of Police,
All Women Police Station Neyveli,
Cuddalore.
(Crime No.18/2021)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in pending trial in Spl.S.C.No.84
of 2021 on the file of the Special Judge Pocso Court, Cuddalore.

For Petitioner	:Mr.D.Padmanabhan
For Respondent	:Mr.A.Damodaran, Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial
custody on 29.09.2021 for the offences punishable under **Section 450 of
IPC read with 3, 4, 5(m), 6 of POCSO Act 2012** in Crime No.18 of
2021 on the file of the respondent police, seek bail.



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2. The case of the prosecution is that the petitioner had sexually exploited the minor daughter of the *de-facto* complainant aged about 10 years. Hence, the complaint.

3. The victim girl is aged about 10 years. At the time of occurrence, she was aged about 9 years. On perusal of the statement recorded under Section 164 of Cr.P.C. revealed that, the petitioner attempted to commit sexual assault on the victim girl. Now, the charge sheet is laid and the victim girl is examined as PW1 and it also revealed the same. On perusal of the medical examination report of the victim girl revealed that, there is no evidence for sexual assault on the victim girl. Therefore, there is no possibility for conviction. Now, the prosecution have examined PW1 to PW6. Except PW1, others are hearsay witnesses.

4. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e., 29.09.2021, 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**



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only) with **two sureties**, each for a like sum to the satisfaction of the **learned Special Judge Pocso Court, Cuddalore**, 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 trial Court twice daily at 10.30 a.m. and 5.30 p.m., for a period of four weeks and thereafter on all further hearing dates.

[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.

24.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Special Judge Pocso Court,
Cuddalore.
- 2.The Inspector of Police,
All Women Police Station Neyveli,
Cuddalore.
- 3.Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras

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