



Crl.OP.No.20128 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2022

CORAM

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

Crl.OP.No.20128 of 2022

Kumar

...Petitioner

Vs.

State Rep. By Inspector of Police,
All Women Police Station. Gingee,
Villupuram District.
(Cr.No.33/2021)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in SPL.SC.NO.136/2021 on the file of the Session Judge, Special Court for Exclusive Trial of cases under POCSO Act, Villupuram District.

For Petitioner

:Mr.G.Paramasivam

For Respondent

:Mr.A.Damodaran

Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.09.2021 for the offences punishable under Sections 5(m) & 6 of POCSO Act @ Sections 5(m) & 6 of POCSO Act and Sections 450 & 342 of IPC in crime No.33 of 2021 on the file of the respondent police, seeks bail.

2. On perusal of the statement of the victim girl recorded under Section 164 of Cr.P.C revealed that, the petitioner had touched the chest and private parts of the victim girl aged about 8 years. Except the said allegation, there is no sexual assault.

3. The learned Additional Public Prosecutor submitted that charge sheet has been filed and it is pending for trial in Spl.S.C.No.136 of 2021. Hence, he opposed for grant of bail to the petitioner.

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



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5. 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 Session Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram District** 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 **learned Session Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram District** 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.



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[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.

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To

- 1.The Session Judge, Special Court for Exclusive Trial of Cases
under POCSO Act, Villupuram District.
- 2.The Inspector of Police,
All Women Police Station. Gingee,
Villupuram District.
- 3.Central Prison at Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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