



WEB COPY



CrI.OP.No.19980 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2022

CORAM

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

CrI.OP.No.19980 of 2022

Moorthy

...Petitioner

Vs.

The State rep by
The Inspector of Police,
All Women Police Station, Dharapuram,
Tiruppur District.
Cr. No.7/2022

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in Spl.S.C.No.82/2022 pending trial on the file of the learned Sessions Judge, Mahalir Neethimandram (FTMC), Tiruppur.

For Petitioner :Mr.G.Maheshkumar

For Respondent :Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 23.04.2022 for the offences punishable under **Sections 11(1)**,



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12, 11(4) of POCSO Act in Crime No.7 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 18.04.2022, the petitioner alleged to have knocked the doors of the *de-facto* complainant's house and subsequently, in the night as well. When the petitioner was questioned about the same, he alleged to have stated that he wants to hug the daughter of the *de-facto* complainant. Hence, the complaint.

3. On perusal of the statement recorded under Section 164 of Cr.P.C. revealed that there was no sexual assault on the victim girl. He only threatened the victim girl.

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., 23.04.2022, 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 only)** with **two sureties**, each for a like sum to the satisfaction of the **Learned**



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Sessions Judge, Mahalir Neethimandram (FTMC), Tiruppur, 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 daily at 10.30 a.m. for a period of four 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.

[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 Sessions Judge,
Mahalir Neethimandram (FTMC), Tiruppur.
- 2.The Inspector of Police,
All Women Police Station, Dharapuram,
Tiruppur District.
- 3.Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras

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