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Crl.OP.No.20266 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2022

CORAM

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

Crl.OP.No.20266 of 2022

Charanraj

..Petitioner

Vs.

The Inspector of Police,
Tharamangalam Police Station,
Salem District.
(Crime No.294 of 2022).

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.294 of 2022 on the
file of the respondent.

For Petitioner	: Mr.S.Pushpakaran
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.06.2022 for the offence under Sections 363 and 355 of IPC read with 11(4) and 12 of POCSO Act in crime No.294 of 2022 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner is alleged to have abused the *de-facto* complainant in filthy language and slapped her with chappal. Hence, the case.

3. Even on perusal of the statement recorded under Section 164 of Cr.P.C. revealed that the petitioner compelled the victim to love him. When she refused, he threatened and slapped her with chappal. There was no other sexual assault on her.

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.02.06.2022, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner shall file an undertaking affidavit before the learned Magistrate concerned undertaking not to indulge in any similar kind of activities in future and on such undertaking, 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 **Special Court for the exclusive trial of POCSO Act cases, Salem** and on further conditions that:



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[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 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 file an undertaking affidavit before the learned Magistrate concerned undertaking not to indulge in any similar kind of activities in future, at time of execution of bond.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Special Court for the exclusive trial of
POCSO Act cases, Salem.
- 2.The Inspector of Police,
Tharamangalam Police Station,
Salem District.
- 3.Central Prison at Salem.
- 4.The Public Prosecutor,
High Court of Madras

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