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CrI.OP.No.20501 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2022

CORAM

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

CrI.OP.No.20501 of 2022

Arunachalam

...Petitioner

Vs.

State rep by:

The Inspector of Police,
W-1, All Woman Police Station,
Thousand Lights, Chennai
Crime No.10 of 2022

..Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in Crime No.10 of 2022 on the file of the Respondent Police.

For Petitioner : M/s.S.Vanmathi

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.06.2022 for the offences punishable under Sections 9(k), 9(m) and 10 of Protection of Child from Sexual Offences Act 2012 in Crime No.10 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was a street vendor, who alleged to have misbehaved with the victim girl, who aged about 9 years old. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and false case has been foisted against the petitioner. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner is alleged to have touched the chest and private part of the victim girl, who aged about 9 years old. He would further submit that a statement has also been recorded by the victim girl under Section 164(5)(A) Cr.P.C. Hence, he vehemently opposed to grant bail to the



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petitioner.

5. On a perusal of the Statement under Section 164(5)(A) Cr.P.C, it reveals that the petitioner have touched the chest and private part of the victim girl. The petitioner herein is a street vendor and while he was selling fancy items, the said occurrence alleged to have happened.

6. Considering the facts and circumstances of the case and the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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 learned Metropolitan Magistrate, Egmore, Chennai 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.



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[b] the petitioner shall report before the respondent police twice daily at 10.30 a.m., and 04.30.p.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.

29.08.2022

Anu



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To

1. The Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
W-1, All Woman Police Station,
Thousand Lights, Chennai
3. The Superintendent,
Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

Anu

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