



CrI.OP.No.21103 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2022

CORAM

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

CrI.OP.No.21103 of 2022

Sakthivel

..Petitioner

Vs.

State Represented by
Inspector of Police,
Sivagiri Police Station,
Erode District.
(Crime No.47 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.47 of 2022 on file of the respondent Police.

For Petitioner : Mr.P.Kannan Kumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.06.2022 for the offence punishable under Sections 9(m) and 10 of POCSO Act, 2012, in Crime No.47 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner and other accused misbehaved with the victim girl aged about 12 years. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and he is no way connected with the offence as alleged by the prosecution. However, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that there are totally 2 accused in which the petitioner is arrayed as A1. The petitioner and other accused



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misbehaved with the victim girl aged about 12 years. Hence, he vehemently opposed to grant bail to the petitioner.

5. A perusal of the FIR revealed that the petitioner is aged about 70 years. There was a previous enmity between the defacto complainant and the petitioner herein, when the petitioner questioned about her conduct. Even according to the defacto complainant, the petitioner touched the victim's chest.

6. Considering the above facts and circumstances of the case, and also taking note of the fact that the petitioner is in judicial custody from 22.06.2022, this Court is inclined to grant bail to the petitioner.

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 the Sessions Magalir Neethi Mandram (Fast Track Mahila Court), Erode 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 daily at 10.30 a.m., for a period of two 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.

02.09.2022

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G.K.ILANTHIRAIYAN, J.

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To

1.The Sessions Magalir Neethi Mandram (Fast Track Mahila Court),
Erode.

2.The Inspector of Police,
Sivagiri Police Station,
Erode District.

3. The Central Prison,
Coimbatore,

4.The Public Prosecutor,
High Court of Madras

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