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Crl.OP.No.21588 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21588 of 2022

Maran @ Rajan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Tiruppur North All Women Police Station,
Tiruppur District.
(Crime No.22/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.22 of 2022 pending
investigation on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



Crl.OP.No.21588 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.07.2022 for the offences punishable under Sections 9(m) and 10 of POCSO Act, 2012, in Crime No.22 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner, who is her neighbour had inappropriately touched and pressed the breast of her minor daughter. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false complaint has been given as against the petitioner due to enmity. He would also submit that even as per the complaint, the victim has stated that it had happened only on one occasion and that the petitioner had not intentionally done any offence. He would further submit that the investigation has been completed and the final report has been filed and the case has been taken up for trial in Special.S.C.No.124



Crl.OP.No.21588 of 2022

of 2022. He would reiterate that it is not the case of penetrative sexual assault. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner, who is an aged person and her neighbor, has inappropriately touched and pressed the breast of the victim girl aged about 9 years. He would also submit that the investigation has been completed and the final report has been filed and the case has been taken up for trial in Special.S.C.No.124 of 2022. Hence, he vehemently opposed to grant bail to the petitioner. However, in the event of granting bail to the petitioner, a condition may be imposed that the petitioner shall not be allowed to stay at Tiruppur. Since, the houses of the victim and the petitioner are close by.

5. Heard both the learned counsel and perused the CD file including the statement recorded under Section 164 of Cr.P.C., from the victim girl.



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Crl.OP.No.21588 of 2022

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel, 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.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned 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 stay at Salem till the completion of the trial and he shall appear before the trial Court on all hearing dates without fail and the petitioner shall report before the Inspector of Police, Town Police Station, Salem at 10.30 a.m., on all dates other than the hearing dates;

[c] the petitioner shall not abscond either during investigation or trial;



WEB COPY



Crl.OP.No.21588 of 2022

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

08.09.2022

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Crl.OP.No.21588 of 2022

WEB COPY

To

1. The Sessions Judge, Mahalir Neethimandram (FTMC),
Tiruppur
2. The Inspector of Police,
Tiruppur North All Women Police Station,
Tiruppur District.
3. The Inspector of Police,
Town Police Station,
Salem.
4. The Superintendent,
Central Prison,
Coimbatore.
5. The Public Prosecutor,
High Court of Madras.



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Crl.OP.No.21588 of 2022

A.D.JAGADISH CHANDIRA., J.

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Crl.O.P.No.21588 of 2022

08.09.2022