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CrI.O.P.No.21337 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM

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

CrI.O.P.No.21337 of 2022

Muruganandham

... Petitioner/Single Acused

Vs.

The State represented by,
The Inspector of Police,
Edaiyur Police Station
Tiruvarur District.

(Crime No.129/2022).

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in connection
with the Crime No.129 of 2022 on the file of the respondent Police.

For Petitioner : Mr.N.Palanivel

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.08.2022 for the offences punishable under Sections 7 & 8 of Protection of Children from Sexual Offences Act, 2012, in Crime No.129 of 2022 on the file of the respondent Police, seeks bail.

2. It is the case of the prosecution that the petitioner, who is the Owner of the House, where the victim is studying tuition in his tenant's flat, had sexually assaulted her while she was travelling in the bus. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the prosecution claims that the petitioner is the house owner of the tuition master of the victim, whereas in the statement recorded she has not stated as if she knows the petitioner. He would also submit that even as per the allegations other than misbehaviour



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while travelling in the bus, there is no allegation of sexual assault. Hence he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner, aged about 59 years, who is the owner of the house, followed the victim girl, who was attending tuition in his tenant's house. He would further submit that the petitioner misbehaved with her, while traveling in the bus and had also committed sexual assault. He would also submit that the investigation is pending and he, vehemently opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioner.



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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 Judicial Magistrate, Tiruthuraipoondi** 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 Chennai and report before the Inspector of Police, Neelangarai Police Station, everyday at 10.30 a.m. and 5.30p.m., until further orders;

[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



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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.

19.09.2022

nst/ham

To

1. The Judicial Magistrate,
Tiruthuraipoondi.
2. The Inspector of Police,
Edaiyur Police Station
Tiruvarur District.
3. The District Prison,
Nagapattinam
4. The Inspector of Police,
Neelangarai Police Station,
Chennai.
5. The Additional Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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