



Crl.O.P.No.21507 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2022

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

Crl.O.P.No.21507 of 2022

A.S.Munusamy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
W-9, All Women Police Station,
Villivakkam, Chennai - 600 049.

(Crime No.12/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in connection
with the Crime No.12 of 2022 on the file of the respondent Police.

For Petitioner : Mr.S.N.Narasimhulu
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



Crl.O.P.No.21507 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.07.2022 for the offences punishable under Section 366 of IPC and Sections 9(m) & 10 of Prevention of Child from Sexual Offences Act, 2012, in Crime No.12 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner had pinched the breast of the victim girl, aged about 5 years. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a retired railway employee. He would further submit that the petitioner was affected by mental disorder and in order to take treatment he has come to Villivakkam and he has been taking treatment in Mahalakshmi Multi-Speciality Hospital, Chennai. He would also submit that due to some other dispute, a false case has been foisted as against the petitioner. The learned counsel would further submit that even as per the statement recorded from the victim girl, it will show that the petitioner had no sexual intention to commit any offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.



Crl.O.P.No.21507 of 2022

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is the neighbour of the victim girl, who had pinched the breast of the victim. He would also submit that the major part of the investigation is over. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record including the 164 statement recorded from the victim girl.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and taking note of the medical condition of the petitioner and also the 164 statement recorded from the victim girl, 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**



CrI.O.P.No.21507 of 2022

thousand only) with two sureties, for a like sum to the satisfaction of the learned Special Court of POCSO Act, 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;

[b] the petitioner shall stay at Tiruvannamalai and report before the Inspector of Police, Tiruvannamalai Town Police Station on every Monday at 10.30 a.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 in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;



Crl.O.P.No.21507 of 2022

WEB COPY

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

13.09.2022

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To

1. The Special Court for POCSO Act,
Chennai.
2. The Inspector of Police,
W-9, All Women Police Station,
Villivakkam, Chennai - 600 049.
3. The Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai.
5. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.21507 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.21507 of 2022

13.09.2022