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CrI.O.P.No.21618 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2022

CORAM

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

CrI.OP.No.21618 of 2022

Thamil @ Thamilselvan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
AWPS, Ariyalur Police Station,
Thiruvarur District.
Crime No.09 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.09
of 2022 on the file of the respondent police.

For Petitioner : Mr.D.Padmanabhan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.06.2022 for the offences punishable under Section 6, 5(j)(ii) & 5(1) of POCSO Act, 2012, in Crime No.09 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 committed penetrative sexual assault on his minor daughter aged about 15 years. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant are close relatives and that they were having relationship from childhood. He would also submit that the petitioner without understanding the consequences of the POCSO Act, had entered into the relationship with a minor girl resulting in her getting pregnant. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the



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respondent would submit that the petitioner had committed penetrative sexual assault on the minor girl. However, he would submit that the petitioner and the victim are relatives. He would also submit that major part of the investigation is also over and the pregnancy has also been aborted. However, he vehemently opposed to grant bail to the petitioner.

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

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also taking note of the fact that the statement recorded from the victim girl under Section 164 of Cr.P.C., 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



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the learned District Mahila Court, Tiruvarur 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, North Beach Police Station, Chennai daily at 10.30 a.m., and 05.30 p.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]**;



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

12.09.2022

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To

1. The District Mahila Court, Tiruvarur.
2. The Inspector of Police,
AWPS, Ariyalur Police Station,
Thiruvarur District..
3. The Superintendent,
Central Prison,
Nagapattinam.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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