



Crl.O.P.No.21678 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2022

CORAM

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

Crl.O.P.No.21678 of 2022

Vishnu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Thiruvavarur, Thiruvavarur District.

(Crime No.22/2022).

... 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.22 of 2022 on the file of the respondent Police.

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



Crl.O.P.No.21678 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.08.2022 for the offences punishable under Sections 12, 11(4) of Prevention of Child from Sexual Offences Act, 2012 r/w 506(ii) of IPC r/w 67 of Information Technology (Amendment) Act, 2008, in Crime No.22 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner induced the daughter of the de-facto complainant/victim, aged about 13 years and had taken the photograph with her and uploaded it in social media. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he without understanding the consequences and rigours of the Prevention of Child from Sexual Offences Act had taken the photograph and uploaded it in the social media. He would also submit that the petitioner understands that even as per the 164 statement recorded from the victim girl, there is no averments of sexual assault by the petitioner. Hence, he prays for grant of bail to the petitioner.



Crl.O.P.No.21678 of 2022

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner taking advantage of the acquaintance with the victim girl had taken selfie with her and uploaded it in the Social media. He would also submit that major part of the investigation is over and the mobile phone has been recovered from the petitioner. 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 164 statement recorded from the victim girl, this Court is inclined to grant bail to the petitioner.



CrI.O.P.No.21678 of 2022

WEB COPY

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** (out of which, one surety should be either father or mother of the petitioner), for a like sum to the satisfaction of the **learned Sessions Judge Fast Track Mahila Court, Thiruvarur**, 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 Tiruppur and report before the Inspector of Police, Tiruppur Town Police Station, Tiruppur on everyday 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



Crl.O.P.No.21678 of 2022

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.

13.09.2022

ham

To

1. The Sessions Judge Fast Track Mahila Court ,
Thiruvavarur.
2. The Inspector of Police,
All Women Police Station,
Thiruvavarur District.
3. The District Prison,
Thiruvavarur.
4. The Inspector of Police,
Tiruppur Town Police Station,
Tiruppur.
5. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.21678 of 2022

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.21678 of 2022

13.09.2022