



Crl.O.P.No.21957 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM

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

Crl.O.P.No.21957 of 2022

Kanniyappan

... Petitioner

Vs.

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

(Crime No.18/2022).

... Respondent

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

For Petitioner : Mr.Ma.P.Thangavel

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.07.2022 for the offences punishable under Sections 11(1), 11(4) r/w 12 of Protection of Children from Sexual Offences Act, 2012, and Sections 294(b), 355, 506(i) of IPC @ 11(i)(iv) r/w 12 of Protection of Children from Sexual Offences Act, 2012, in Crime No.18 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the de-facto complainant, who is residing at Pollachi and her husband were running a Textile Shop and they have two daughters. One of her daughters, aged about 16 years was followed by the petitioner/accused, who had love affair with her daughter, whereas, it was rejected by her daughter. Due to the petitioner's activities, the petitioner's wife one Mahalakshmi abused the de-facto complainant's daughter in a filthy language and also assaulted her with slipper. Hence the case.

3. The learned counsel appearing for the petitioner would submit



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that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that petitioner's wife was possessive and on suspicion, that the petitioner having relationship with the victim girl, had gone to the house of the victim and abused her in a filthy language and assaulted her, due to which, the petitioner had also been implicated in this case. He would further submit that even as per the complaint, other than allegation of stalking the victim girl, the petitioner has no other allegation of sexual assault on the victim girl. He would also submit that the petitioner is in custody from 29.07.2022 and he is prepared to comply with any stringent condition imposed by this Court and 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 aged about 31 years had been stalking the victim girl when she was on the way to school. He would further submit that the petitioner's wife who had suspected that the petitioner might have relationship with the victim girl, had gone to the house of the victim along with the some other ladies and harassed the victim girl and threatened that to spoil her name. He would also submit that 164 statement has also been recorded from the victim. Hence, he opposed to grant bail to the



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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 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 and taking note of 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 thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore**, 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;



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[b] the petitioner shall stay at Chennai and report before the Inspector of Police, B-2, Esplanade Police Station, everyday at 10.30 a.m.,for a period of four weeks and thereafter, report before the respondent Police 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 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.

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To

1. The Special Court for Exclusive Trial of cases under POCSO Act,
Coimbatore.
2. The Inspector of Police,
All Women Police Station,
Pollachi, Coimbatore District.
3. The Central Prison,
Coimbatore.
4. The Inspector of Police,
B2, Esplanade Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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