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Crl.O.P.No.21995 of 2022

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.21995 of 2022

Moorthy

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Nangavalli Police Station,  
Salem District.

(Crime No.215/2022).

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

For Petitioner : Mr.V.Sakkarapani  
For Respondent : Mr.C.E.Pratap  
Government Advocate (Crl.Side)



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## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 16.08.2022 for the offences punishable under Sections 7 r/w 8 of Prevention of Child from Sexual Offences Act, 2012 r/w 366 of IPC, in Crime No.215 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner had induced the daughter of the de-facto complainant/victim and taken her to coimbatore and committed sexual assault on her. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given against the petitioner. He would further submit that the petitioner and victim girl is known to each other and there was a love affair between them. He would also submit that the petitioner understands that even in the 164 statement recorded from the victim girl, there is no averment of sexual assault as against the petitioner. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner had sexually assaulted the victim and therefore, the petitioner was arrested by the respondent Police on 16.08.2022. He would also submit that the 164 statement has also been recorded from the victim. 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 taking note of the 164 statement recorded from the victim girl that the victim, on her own volition gone along with the petitioner, 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**



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**thousand only) with two sureties, for a like sum to the satisfaction of the learned Sessions Judge Principal Special Court for Exclusive Trial of cases under POCSO Act, Salem, 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, J-3 Police Station, Guindy, Chennai on everyday at 10.30 a.m. and at 5.30 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.

**13.09.2022**

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To

1. The Sessions Judge,  
Principal Special Court for Exclusive Trial of cases under POCSO Act ,  
Salem.
2. The Inspector of Police,  
Nangavalli Police Station,  
Salem District.
3. The Central Prison,  
Salem.
4. The Inspector of Police,  
J-3, Police Station,  
Guindy, Chennai.
5. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA.,J.**

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