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Crl.O.P.No.22317 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2022

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THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.22317 of 2022

Ramasamy @ Mahali

..Petitioner

Vs.

State, Rep.by
The Inspector of Police,
All Women Police Station,
Avinashi,
Tiruppur District.
(Crime No.11 of 2022)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in pending trial of the case in Spl.S.C.No.97 of 2022 on the file of the learned Sessions Judge, Mahila Court (FTMC), Tiruppur.

For Petitioner	: Mr.M.Vijaya Ragavan
For Respondent	: Mr.S.Santhosh, Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.06.2022 for the alleged offence punishable under **Sections 9(1), 9(m) read with Section 10 of POCSO Act** in Crime No.11 of 2022 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that, the petitioner is the step father of the victim girl. It is alleged that the petitioner had touched the private parts of the victim girl on several occasions. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. That apart, the petitioner has been suffering incarceration from 09.07.2022. Therefore, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent produced the statement of the victim girl recorded under Section 164 of Cr.P.C. Hence, he vehemently opposed to grant bail to the Petitioner.

5. On a perusal of the statement recorded under Section 164 Cr.P.C., it reveals that the petitioner is step father of the victim girl and she is aged about 12 years. When her mother went to night shift, the petitioner touched her chest and also private parts. Therefore, there was no penetrative sex on the victim girl.



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6. Considering the above facts and circumstances of the case and taking note of the fact the period of incarceration i.e, the date of arrest on 18.06.2022, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail, before the learned Sessions Judge, Mahila Court (FTMC), Tiruppur on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police failing which, the petition for bail shall stand dismissed and on further condition 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 report before the respondent Police daily Morning at 10.30 a.m and Evening at 5.30 p.m for a period of four weeks and thereafter as and when required for interrogation.

[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



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

16.09.2022

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To

- 1.The Sessions Judge, Mahila Court (FTMC), Tiruppur.
2. The Inspector of Police,
All Women Police Station,
Avinashi,
Tiruppur District.
- 3.The Public Prosecutor,
High Court of Madras.
- 4.Central Prison,
Coimbatore.



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G.K.ILANTHIRAIYAN, J.

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