



Crl.O.P.No.22085 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

CORAM

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

Crl.O.P.No.22085 of 2022

Chelladhurai

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Edaiyur Police Station,
Thiruvarur District.
(Crime No.157 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, pending investigation of the case in
Crime No.157 of 2022, on the file of the respondent Police.

For Petitioner : Mr.M.Vijaya Ragavan

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 20.08.2022, for the offences punishable under Section 11(i) r/w Section 12 of POCSO Act, in Crime No.157 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant, who is the mother of the victim minor girl, aged about 12 years is that the petitioner had exhibited his private part to her minor daughter. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and that a false complaint has been given due to political animosity. He would also submit that the charges as against the petitioner is one under Section 11(1) r/w Section 12 of the POCSO Act invoking a maximum punishment of 3 years. He would further submit that the petitioner is in custody from 20.08.2022 i.e., for the past more than 50 days. He would further state that it is not a case of any penetrative sexual



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assault. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner had called the defacto complainant's minor daughter and had exhibited his private part. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the statement recorded from the victim girl under Section 164 of Cr.P.C.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also taking note of the fact that it is not a case of penetrative sexual assault and that the petitioner is in custody for more than 50 days and also the statement recorded from the victim girl under Section 164 of Cr.P.C., this Court is inclined to grant bail to the petitioner with certain conditions.



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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)** each with **two sureties**, each for a like sum to the satisfaction of the **learned Principal District and Sessions Judge(FAC), 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 Chennai and report before the Inspector of Police, Flower Bazaar Police Station, Chennai, daily 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



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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.

10.10.2022

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To

- 1.The Principal District and Sessions Judge (FAC),
Fast Track Mahila Court, Thiruvarur.
- 2.The Inspector of Police,
Edaiyur Police Station,
Thiruvarur District.
3. The Sub Jail, Nagapattinam.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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