



Crl.O.P.No.22254 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2022

CORAM0

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

Crl.OP.No.22254 of 2022

Dhamodharan

... Petitioner

Vs.

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

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with Crime No.20 of
2022 pending on the file of the respondent police.

For Petitioner : Mr.K.Selvakumar

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



Crl.O.P.No.22254 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.07.2022 for the offences punishable under Sections 11(4) and 12 of POCSO Act, 2012, in Crime No.20 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner had stalked his daughter and harassed her and also pulled her hands. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is known to the victim girl and the parents of the victim girl suspecting that there was a love affair between the petitioner and the victim girl, had given a complaint as against the petitioner as if the petitioner had stalked and harassed her. He would also submit that there is no allegations of sexual assault on the victim girl. He would further state that even taking into consideration the entire allegations, there is nothing to suggest that the petitioner had sexual intent against the victim girl. He would



Crl.O.P.No.22254 of 2022

WEB COPY
further submit that the petitioner was arrested on 26.07.2022 and he is in custody for more than 50 days. He would also state that the investigation has been completed and the final report has also been filed and the case has been taken on file in Spl.S.C.No.123 of 2022 on the file of the learned Sessions Judge, Mahalir Neethimandram, FTMC, Tiruppur, therefore, 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 had stalked the victim girl, who is aged about 13 years, while she was going to school and had pulled her hands. He would also concede that there is no sexual assault on the victim girl. He would further submit that the investigation has been completed and the final report has also been filed and the case has been taken on file in Spl.S.C.No.123 of 2022 on the file of the learned Sessions Judge, Mahalir Neethimandram, FTMC, Tiruppur and the case now stands posted to 15.09.2022 for furnishing of documents. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials



Crl.O.P.No.22254 of 2022

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 the fact that the investigation has been completed and the final report has also been filed and the case has been taken on file in Spl.S.C.No.123 of 2022 on the file of the learned Sessions Judge, Mahalir Neethimandram, FTMC, Tiruppur, 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 Sessions Judge, Mahalir Neethimandram, FTMC, Tiruppur**, 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;



Crl.O.P.No.22254 of 2022

[b] the petitioner shall appear before the learned Sessions Judge, Mahalir Neethimandram, FTMC, Tiruppur daily at 10.30 a.m., on all working days, 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]**;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

15.09.2022

rgi

A.D.JAGADISH CHANDIRA., J.

rgi



WEB COPY



Crl.O.P.No.22254 of 2022

To

1. The Sessions Judge, Mahalir Neethimandram, FTMC,
Tiruppur.
2. The Inspector of Police,
All Women North Police Station,
Tiruppur District.
3. The Superintendent,
District Jail,
Tiruppur.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.22254 of 2022

15.09.2022