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Crl.O.P.No.22909 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2022

CORAM

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

Crl.O.P.No.22909 of 2022

Sakthivel

... Petitioner

Vs.

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

(Crime No.159/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.159
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Prabudoss

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 alleged offences punishable under Sections 11(i), 11(iv) & 12 of Protection of Children from Sexual Offences Act, 2012, r/w 506 (i) of IPC, in Crime No.159 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner had harassed the minor victim girl by compelling her to speak to him. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl are close relatives and there was a relationship between them, which was opposed by the father of the victim girl and pursuant to which, a false complaint has been lodged against the petitioner. He would also submit that the petitioner understands that even in the 164 statement recorded from the victim girl, other than stating that the



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petitioner had compelled her to speak to him, there is no other allegation of sexual assault against the petitioner. Hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner had harassed the minor victim girl, by compelling her to speak to him. He would further submit that based on the complaint given against the petitioner, he was arrested on 20.08.2022. He would also submit that the 164 statement has also been recorded from the victim girl. 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, this Court is inclined to grant bail to the petitioner.



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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)** with **two sureties**, each for a like sum to the satisfaction of the **learned 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 report before the respondent Police daily at 10.30 a.m., for a period of four weeks and thereafter, every Saturday 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.

27.09.2022

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To

1. The Principal Special Court for
Exclusive Trial of Cases under POCSO Act,
Salem.
2. The Inspector of Police,
Tholasampatty Police Station,
Tholasampatty,
Salem District.
3. The Sub Jail,
Omalur, Salem District.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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