



CrI.O.P.No.23335 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

CORAM

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

CrI.O.P.No.23335 of 2022

Rajkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Town Police Station,
Karaikal.
(Crime No.24 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending trial in Spl.S.C.No.6 of
2022 on the file of the Special Judge-cum-District and Sessions Judge,
Karaikal.

For Petitioner : Mr.A.Ilayaperumal

For Respondent : Mr.V.Balamurugane
Public Prosecutor (Puducherry)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.01.2022, for the offences punishable under Section 8 of Protection of Children from Sexual Offence Act, 2012 @ Section 10 of Protection of Children from Sexual Offence Act, 2012 and Section 506(ii) of IPC, in Crime No.24 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the staff of the Child Helpline is that the petitioner had sexually assaulted his brother's daughter. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and due to a family dispute, a false complaint has been given as against the petitioner. He would also submit that even as per the statement of the victim girl, the petitioner is alleged to have touched the breast of the victim girl inappropriately. He would further submit that it is not the case of grave sexual assault and the petitioner was arrested on 27.01.2022 and he is in custody for the past more than 8 months. He would



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also state that the investigation has been completed and the case has been taken up in Spl.S.C.No.6 of 2022 on the file of the Special Judge-Cum-District and Sessions Judge, Karaikal, if only the petitioner is granted bail, he will be able to engage a counsel for conducting trial. He would further state that the petitioner is prepared to abide by any stringent conditions that may be imposed on him.

4. The learned Public Prosecutor, Pondicherry, appearing for the respondent police would submit that the petitioner, who is the relative of the victim girl had inappropriately touched the breast of the victim girl. He would also submit that the investigation has been completed and the case now stands posted for trial on 20.10.2022. Therefore, he vehemently opposed for grant of bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record including the statement recorded from the victim girl under Section 164 of Cr.P.C.



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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 the allegations against the petitioner, the period of incarceration suffered by the petitioner and the case is taken up for trial in Spl.S.C.No.6 of 2022 on the file of the Special Judge-Cum-District and Sessions Judge, Karaikal, this Court is inclined to grant bail to the petitioner with certain conditions.

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 Special Judge-Cum-District and Sessions Judge, Karaikal**, 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 trial Court daily at 10.30 a.m., until further orders;



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[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.

10.10.2022

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To

- 1.The Special Judge cum District and Sessions Judge,
Karaikal.
- 2.The Inspector of Police,
Town Police Station, Karaikal.
3. The Central Prison, Pondicherry.
4. The Public Prosecutor,
High Court of Madras.

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