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CrI.OP.No.23696 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 29.09.2022

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

CrI.OP.No.23696 of 2022

Balachandar

...

Petitioner

Vs

State rep. by  
The Inspector of Police,  
Arakkonam All Women Police Station,  
Arakkonam,  
Vellore District.  
Crime No.2 of 2022

...

Respondent

**PRAYER:**Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.2 of 2022 on the file of the respondent Police.

For Petitioner : Mr.C.S.Saravanan  
For Respondent : Mr.A.Gokulakrishnan  
Additional Public Prosecutor.

**ORDER**

The petitioner, who was arrested and remanded to judicial custody on 18.01.2022 for the alleged offence punishable under 506(i) of IPC and under Sections 9(l), 9(m), 9(n) and 10 of POCSO Act 2012 in Crime No. 2 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 second husband of the victim child's mother. It is alleged that the petitioner misbehaved with the victim child, who is aged about 10 years, by touching her private parts. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioner. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent produced the statement of the victim child recorded under Section 164 of Cr.P.C.

5. On perusal of the statement recorded under Section 164 of Cr.P.C revealed that the petitioner is the step father of the victim child, aged about 9 years. He had bad touch on her, pinched her buttocks and also kissed her. However, the petitioner did not commit any penetrative sexual assault on the victim child.



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6. Considering the above facts and circumstances of the case, and also the period of incarceration of the petitioner from the date of his arrest i.e. 18.01.2022, 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.10,000/- (Rupees Ten Thousand only) with **two blood related sureties**, each for a like sum to the satisfaction of the learned **Special Judge for Exclusive Trial of Cases under POCSO Act, Vellore**, 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 Morning at 10.30 a.m., and Evening 05.30 p.m., for a period of six weeks, 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



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

29.09.2022

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To

- 1.The Special Judge for Exclusive Trial of cases under POCSO Act,  
Vellore.
- 2.The Inspector of Police,  
Arakkonam All Women Police Station,  
Arakkonam,  
Vellore District.
3. Central Prison,  
Vellore.
- 4.The Public Prosecutor,  
High Court of Madras.



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**G.K.ILANTHIRAIYAN, J.**

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