



CrI.O.P.No.24068 of 2022

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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.24068 of 2022

Muthu @ Muthu kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Tiruvannamalai East Police Station.
Tiruvannamalai District.

(Crime No.366 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.366
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Suresh

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.08.2022 for the alleged offences punishable under Sections 294(b), 341, 323, 506(i) IPC and Section 7 r/w 8 of POCSO Act and Section 4 of TNPHW Act in Crime No.366 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner had compelled the de-facto complainant's daughter, aged about 16 years, to love him and harassed her for the past three years. While so, on 13.08.2022, the accused pelted stones on the house of the de-facto complainant and when it was questioned by the victim girl's cousin, the accused assaulted him with hands and legs and caused injuries. Subsequently, when the victim girl come out of the house, the accused abused her in a filthy language and outraged her modesty and touched her inappropriately and threatened to tear her dress and also threatened the de-facto complainant and his family members that any action cannot be taken against him. Hence the complaint.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person. He would further submit that the petitioner was having love affair with the victim girl and in order to sever their relationship, a false complaint has been foisted by the de-facto complainant against the petitioner. He would also submit that the victim was compelled to make a statement as 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 has harassed the minor victim girl and when it was questioned by the victim girl's cousin, the petitioner has assaulted him and abused the victim girl and his family members in a filthy language and also outraged the modesty of the victim and touched her inappropriately and threatened her. He would further submit that the petitioner has been arrested on 17.08.2022. He would also submit that the 164 statement has also been recorded from the victim girl. However, he opposes to grant bail to the petitioner.



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5. At this juncture, the learned counsel for the petitioner would submit that even as per the 164 statement has been recorded from the victim girl, it is not the case of penetrative sexual assault and the petitioner is in custody from 17.08.2022. Hence, he prays for grant of bail to the petitioner.

6. 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.

7. Taking into consideration the facts and circumstances of the case and taking note of the 164 statement recorded from the victim girl and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. 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



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the learned Special Court for exclusive trial of cases under POCSO Act,

Tiruvannamalai, 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, North Beach Police Station, everyday at 10.30 a.m. and 5.30 p.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 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]*;



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

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To

1. The Special Court for exclusive trial of cases
under POCSO Act, Tiruvannamalai.
2. The Inspector of Police,
Tiruvannamalai East Police Station.
Tiruvannamalai District.
3. The Central Prison,
Vellore.
4. The Inspector of Police,
North Beach Police Station.
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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