



CrI.O.P.No.24497 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2022

CORAM

THE HON'BLE MR. JUSTICE **SATHI KUMAR SUKUMARA KURUP**

CrI.O.P.No.24497 of 2022

Vetrivel

... Petitioner

Vs.

The State, Rep by
Inspector of Police,
AWPS, St.Thomas Mount,
Chennai – 600 016.
Crime Number.08 / 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in Crime No.08 of 2022 on the file
of the Respondent Police.

For Petitioner : Mr.N.Baaskaran

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 12.09.2022 for the offences punishable under Sections 354, 354(D), 294(b), 323 of IPC and Sections 11(1)(iv) read with 12 of POCSO Act 2012 in Crime No.08 of 2022 on the file of the respondent Police, seeks bail.

2. It is the case of the prosecution that on the pretext of love affair, the Petitioner suspecting the fidelity of the victim girl abused her in filthy language and assaulted her on her cheek with his hand. Hence the complaint.

3. The learned Counsel for the Petitioner submitted that Petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of bail to the Petitioner.

4. The learned Additional Public Prosecutor appearing for the Respondent would submit that the victim girl is alleged to be in a



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relationship with the accused and she had joined a school in Chennai. The accused/petitioner herein suspecting her had slapped her in front of the school. Based on which the complaint has been registered. Hence, he vehemently opposed for grant of bail to the Petitioner.

5. The 164 statement of the victim girl has been recorded. As per the 164 statement, the victim girl had stated that she is in a relationship with the accused/petitioner herein. The parents of the victim girl on coming to know about the same had taken her from the school in Vellore and admitted her in a school in St.Thomas Mount. Further, it is the statement of the victim girl that she had danced in a marriage function, which was objected by the petitioner herein and he was alleged to have slapped her in front of the school before her friends. Based on which, the complaint has been lodged.

6. Considering the submission made by the learned Counsel for the Petitioner and vehement objections made by the learned Government Advocate (crl.side) appearing for the Respondent and also the 164 statement of the victim girl, there is no specific overt act as against the petitioner to attract the offences under POCSO Act. Therefore, this Court is inclined to



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grant bail to the Petitioner.

7. Accordingly, the Petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive trial of cases under POSCO Act, Chengalpattu. Further, one of the sureties shall be a blood relative.

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Chengalpattu obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(b) the Petitioner shall report before the Respondent Police daily at 10.00 a.m., until further orders.

(c) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioner shall not abscond either during investigation or



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trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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mpl/vkr



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SATHI KUMAR SUKUMARA KURUP.,J.

mpl/vkr

To

- 1.The Sessions Judge,
Special Court for Exclusive trial of cases under POCSO Act,
Chengalpattu.
- 2.The Inspector of Police,
AWPS, St.Thomas Mount,
Chennai – 600 016.
3. Sub Jail,
Chengalpattu.
4. The Public Prosecutor,
High Court of Madras.

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