



Crl.OP.No.25009 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

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

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1.Kalaikumar
2.Kalaimaran

...Petitioners

Vs.

State Rep. by The Inspector of Police,
Pudupattinam Police Station,
Mayiladuthurai District.
(Crime No.136/2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in connection with Crime
No.136/2022 on the file of respondent police.

For Petitioners :Mr.A.Ramesh

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.side)

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 14.09.2022 for the offences punishable under Sections 147,



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354 A, 506(ii) of IPC and Sections 10 read with 9(g), 9(m) of POCSO Act, 2012 in Crime No.136 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant is that when she along with her minor daughter had come to purchase medicines, the accused had stalked her and her daughter and by passing lewd comments, they have touched the *de-facto* complainant and her daughter inappropriately. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and due to enmity on account of the caste, a false complaint has been given. He would further submit that the petitioners are cooli labourers and hence, prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that though the petitioners are cooli labourers on the same village, they have stalked the *de-facto* complainant and her



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daughter while there were returning from the medical shop and both of them have touched the minor girl in inappropriate manner. He would further submit that statement was also recorded from the minor victim girl under Section 164 of Cr.P.C. Hence, he vehemently opposed to grant bail to the petitioners.

5. Heard the learned counsel. Perused the materials available on record including the statement of the minor girl recorded under Section 164 of Cr.P.C.

6. Taking into consideration the facts and submissions and the period of incarceration of the petitioners from the date of their arrest and also the age of the petitioners, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 **Special Court Under POCSO Act, Nagapattinam** and



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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 petitioners shall stay at Chennai and report before the Inspector of Police, K.K.Nagar Police Station, everyday at 10.30 a.m. for a period of two weeks and thereafter report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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mpl



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A.D.JAGADISH CHANDIRA, J.
mpl

To

- 1.The Special Court under POCSO Act,
Nagapattinam.
- 2.The Inspector of Police,
Pudupattinam Police Station,
Mayiladuthurai District.
- 3.District Jail, Nagapattinam.
- 4.The Public Prosecutor,
High Court of Madras

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