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Crl.O.P.No.25249 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

CORAM

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

Crl.O.P.No.25249 of 2022

1. Yugapriyan
2. Elumalai

... Petitioners

Vs.

The State Rep.by
The Inspector of Police,
All Women Police Station,
Arani,
Tiruvannamalai District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in Crime No:11/2022 pending on the
file of the respondent.

For Petitioners : Mr.B.Jawahar

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 20.09.2022, for the offences punishable under Sections 354(D), 506(i) of IPC and Sections 11(4) and 12 of POCSO Act, in Crime No.11 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the 1st petitioner had love affair with the victim girl and he had compelled her to come out of her house to get married and the victim girl, unable to bear the compulsion, had consumed pesticides and attempted to commit suicide. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are the son and the father and they are innocent and a false complaint has been given as against the petitioners. He would also submit that there was love affair between the 1st petitioner and the victim girl, when it was objected to by her father, she had attempted to commit suicide by consuming pesticides, thereby, a false complaint has been given as if the



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victim girl attempted to commit suicide only on the compulsion of the 1st petitioner to come out of her house. He would further submit that the major part of the investigation has been completed and a statement has also been recorded from the victim girl under Section 164 of Cr.P.C., wherein, she has not stated any allegation as against the 1st petitioner, as if he had committed any sexual assault on her. Therefore, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that even as per the prosecution, the 1st petitioner had compelled her to come out of her house and since, he had pressurized her, the victim had attempted to commit suicide by consuming pesticides. He would also submit that a statement has been recorded from the victim girl under Section 164 of Cr.P.C., wherein, she has not stated anything as if the 1st petitioner had committed any sexual assault on her. However, he vehemently opposed to grant bail to the petitioners.



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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.

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 statement recorded from the victim girl under Section 164 of Cr.P.C., 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 the **learned Special Court for POCSO Cases, 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 petitioners shall report before the



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respondent Police daily 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]**;

[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 (POCSO Cases)
Tiruvannamalai.
2. The Inspector of Police,
All Women Police Station,
Arani,
Tiruvannamalai District.
3. The Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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