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Crl.O.P.No.25390 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

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

Crl.O.P.No.25390 of 2022

Rajkumar

... Petitioner

Vs.

State Rep by,
Inspector of Police,
All Women Police Station,
Tindivanam, Villupuram – District,
Crime No.25/2022.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.25
of 2022 pending investigation on the file of respondent police.

For Petitioner : Mr.T.Meganathan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.08.2022 for the offences punishable under Sections 7 & 8 of POCSO Act, 2012 read with Section 354(A) (i) & 451 of IPC in Crime No.25 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 who is the neighbour has misbehaved with the minor daughter of the *de-facto* complainant. Hence, the complaint.

3. Learned Counsel for the petitioner would submit that petitioner is an innocent person and a false complaint has been given based on a property dispute. He would further submit that statement has been recorded from the victim girl wherein she had only stated that the petitioner had misbehaved with her and there is no allegation of penetrative sexual assault on her. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner who is the neighbour, had entered into the house of the *de-facto* complainant in night hours and hugged the minor victim girl. When she raised alarm, he escaped from the scene of occurrence. He would further submit that the 164 statement has also been recorded from the victim girl. Hence, he opposed for grant of bail to the petitioner.

5. 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.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also taking note of the 164 statement recorded from the victim girl, this Court is inclined to grant bail to the petitioner.

7. 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**



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thousand only) with two sureties (one among the sureties shall be a blood surety), each for a like sum to the satisfaction of learned Session Judge, Special Court for exclusive trial of case under POCSO Act, Villupuram 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, B1 North Beach Police Station, Chennai everyday at 10.30 a.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



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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];***

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

19.10.2022

mpl

To

1. The Session Judge,
Special Court for exclusive trial of case
under POCSO Act,
Villupuram.
2. The Inspector of Police,
All Women Police Station,
Tindivanam, Villupuram – District.
3. Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

mpl

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