



Crl.O.P.No.26066 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

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

Crl.O.P.No.26066 of 2022

Ragul ... Petitioner

Vs.

State Rep by
The Inspector of Police,
All Women Police Station,
Udumalpet,
Tiruppur District.
Crime No.22 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail concerned in Spl.S.C.No.120 of
2022 pending trial on the file of the learned Magalir Neethimandram
(FTMC), Tiruppur.

For Petitioner : Mr.M.N.Balakrishnan

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 22.07.2022 for the offences punishable under Sections 7 & 8 of POCSO Act in Crime No.22 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner had inappropriately pinched the *de-facto* complainant on her hip with sexual intent while travelling in the bus. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person. He would further submit that the petitioner and the family of the *de-facto* complainant are known to each other. Due to enmity, a false complaint has been given. He would further submit that the petitioner is in custody from 22.07.2022 and major part of the investigation is over and the case is taken up for trial in Spl.S.C.No.120 of 2022 on the file of the Magalir Neethimandram (FTMC), Tiruppur. 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 investigation is over and the case is pending trial in Spl.S.C.No.120 of 2022 on the file of the learned Magalir Neethimandram (FTMC), Tiruppur. However, 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, 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 thousand only)** with **two sureties**, each for a like sum to the satisfaction of



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Magalir Neethimandram (FTMC), Tiruppur 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 report before the Mahila Court, Tiruppur on all working days at 10.30 a.m., for a period of two weeks and thereafter on all the dates fixed by the learned Trial Judge.

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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



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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.

27.10.2022

mpl

To

1. The Magalir Neethimandram (FTMC),
Tiruppur.
2. The Inspector of Police,
All Women Police Station,
Udumalpet,
Tiruppur District.
3. Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

mpl

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