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Crl.O.P.No.25780 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

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

Crl.O.P.No.25780 of 2022

Rajesh

... Petitioner

Vs.

State by:-

The Inspector of Police,
All Women Police Station,
Namakkal,
Namakkal District.

(Crime No.26 of 2022)

.. Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner pending investigation in Crime No.26 of
2022 on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

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 12.09.2022 for the offences punishable under Sections 7 r/w 8 of POCSO Act and 506(i) of IPC in Crime No.26 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Ellammal is that the accused has stalked her minor daughter and pulled her hands and also compelled her to love him. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl are relatives and known to each other. There was a relationship between them, the mother of the victim suspecting that the petitioner was having a love affair, has given a false complaint against the petitioner. He would further submit that though in the complaint, it is stated that the petitioner is said to have tortured the victim girl inappropriately and the petitioner understands that the statement has been recorded from the victim girl wherein she has not stated anything about the petitioner having sexually assaulted her. Hence, he prays for grant of



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anticipatory bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the accused has stalked the minor daughter of the defacto complainant and pulled her hands and also tortured her inappropriately. He would further submit that the statement under Section 164 Cr.P.C has been recorded from the victim girl. 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) and perused the materials available on record including the statement under Section 164 Cr.P.C.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his



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executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **learned Sessions (Fast Track Mahila) Judge, Namakkal** 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 respondent Police daily 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 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.



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To

- 1.The Session (Fast Track Mahila) Judge,
Namakkal.
2. The Inspector of Police,
All Women Police Station,
Namakkal,
Namakkal District.
3. Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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