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CrI.O.P.No.26046 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

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

CrI.O.P.No.26046 of 2022

Ponnen

... Petitioner

Vs.

The State Rep by Inspector of Police,
Bommidi Police Station,
Dharmapuri District.
(Crime No.217 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.217/2022 pending
investigation on the file of the respondent.

For Petitioner : Mr.Sathiyaraj.E

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



Crl.O.P.No.26046 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.09.2022 for the offences punishable under Sections 7 & 8 of Protection of Children from Sexual Offences Act 2012 in Crime No.217 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 21.09.2022, at about 6.30 p.m. the petitioner had inappropriately touched the *de-facto* complainant with sexual intent. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is aged about 67 years. The petitioner and the grand-father of the victim are brothers and there is a property dispute pending between them. Thereby, a false complaint has been given. He would further submit that the major part of the investigation has been over and the petitioner is ready to abide by any stringent condition that may be imposed. Hence, he prays for grant of bail to the petitioner.



Crl.O.P.No.26046 of 2022

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner had inappropriately touched the victim girl with sexual intent. The petitioner and the *de-facto* complainant are relatives. 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 **Fast Track Mahila Court, Dharmapuri** and on further conditions that:



Crl.O.P.No.26046 of 2022

[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 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 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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mpl

To

1. The Fast Track Mahila Court,
Dharmapuri.
2. The Inspector of Police,
Bommidi Police Station,
Dharmapuri District.
3. Sub-Jail, Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.26046 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.26046 of 2022

27.10.2022