



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.26019 of 2021

Pandiyan

... Petitioner

Vs.

State rep. by
The Inspector of Police
All Women Police Station
Dharapuram
Tiruppur District
(Crime No.8 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Spl.S.C.No.91 of 2021 on the file of the Sessions (Fast Track Mahila) Judge, Tiruppur in Crime No.8 of 2021, on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 02.09.2021 for the offences under Sections 5(n), 6, 4(2), 7, 8 of POCSO Act, 2012 and Sections 449, 376(3), 511 IPC, in Crime No.8 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner attempted to commit sexual assault on the victim girl who is aged about 13 years. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and that he has been suffering incarceration for more than 120 days from 02.09.2021. He would further submit that the charge sheet has been filed and the case has been taken on file in Spl.S.C.No.91 of 2021 on the file of the Sessions (Fast Track Mahila) Judge, Tiruppur, and the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner attempted to commit sexual assault on the victim girl who is aged about 17 years but admits that the statement of the victim girl has been recorded under Section 164 Cr.P.C. and that the case has been taken on file in Spl.S.C.No.91 of 2021 on the file of the Sessions (Fast Track Mahila) Judge, Tiruppur.

5. Considering the fact that the charge sheet has been filed and the case has been taken on file in Spl.S.C.No.91 of 2021 on the file of the Sessions (Fast Track Mahila) Judge, Tiruppur. and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Sessions (Fast Track Mahila Court) Judge, Tiruppur. within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

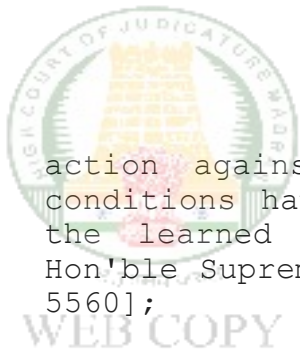
(d) the petitioner shall stay at Thiruvannamalai and report before the Town Police Station on every Wednesday and Saturday at 10.30 a.m. (Except the Court hearing date) until further order and the petitioner shall co-operate for the trial. The petitioner should not have any communication with the victim girl any more.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

04/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS (FAST TRACK MAHILA COURT) JUDGE,
TIRUPPUR.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DHARAPURAM, TIRUPUR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. C.S.SARAVANAN Advocate on payment of necessary charges

CRL OP.26019/2021

Date :04/01/2022

CSK 04/01/2022