



Crl.OP.No.26801 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

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

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Nethaji

...Petitioner

Vs.

State Rep. by The Inspector of Police,
Pudupattinam Police Station,
Mayiladuthurai District.
(Crime No.136/2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with Crime
No.136/2022 on the file of respondent police.

For Petitioner : Mr.P.Muthamizh Selvakumar

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 20.09.2022 for the offences punishable under Sections 10 read with 9(g), 9(m) of Protection of Children from Sexual Harassment Act - 2012 read with Section 147, 294(b), 354A, 506(ii) of Indian Penal Code in Crime No.136 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant is that when she along with her minor daughter had come to purchase medicines, the accused had stalked her and her daughter and by passing lewd comments, they have touched the *de-facto* complainant and her daughter inappropriately. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and due to enmity on account of the caste, a false complaint has been given. He would further submit that this Court had granted bail to the similarly placed accused namely A1 and A2 in Crl.O.P.No.25009 of 2022 dated 19.10.2022. Hence, he seeks



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for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with other accused have stalked the *de-facto* complainant and her daughter while they were returning from the medical shop and both of them have touched the minor girl in an inappropriate manner. He would further submit that statement was also recorded from the minor victim girl under Section 164 of Cr.P.C. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel and also perused the materials available on record including the statement of the minor girl recorded under Section 164 of Cr.P.C.

6. Taking into consideration the facts and submissions and the period of incarceration of the petitioner from the date of their arrest and also considering that co-accused had enlarged on bail, this Court is inclined to grant bail to the petitioner.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a separate 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 **Special Court Under POCSO Act, Nagapattinam** 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, K.K.Nagar Police Station, everyday at 10.30 a.m. for a period of two weeks and thereafter 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



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

03.11.2022

Sma

To

- 1.The Special Court under POCSO Act,
Nagapattinam.
- 2.The Inspector of Police,
Pudupattinam Police Station,
Mayiladuthurai District.
- 3.District Prison, Nagapattinam.
- 4.The Public Prosecutor,
High Court of Madras



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A.D.JAGADISH CHANDIRA, J.

Sma

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