



Crl.OP.No.27514 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM

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

Crl.OP.No.27514 of 2022

Karthik

... Petitioner

Vs.

The State rep by
The Sub Inspector of Police,
All Women Police Station,
Perambalur
(Crime No.42 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge petitioner on bail in Crime No.42 of 2022 dated
28.09.2022 pending on the file of the respondent police, All Women Police
Station, Perambalur.

For Petitioner : Mr.K.Murugesan

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 29.09.2022 for the offences punishable under Sections 5(1), 5(n) and Section 6 of Protection of Child from Sexual Offences Act, 2012 (POCSO Act), in Crime No.42 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner, who is the junior paternal uncle of the victim minor girl, had held the hands of the victim, hugged and touched her inappropriately. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the petitioner is the junior paternal uncle of the victim girl. Since there was a property dispute between the petitioner and his elder brother, a false complaint has been lodged against the petitioner. He would submit that the petitioner was arrested on 29.09.2022 and he is in custody for the past 43 days. Therefore, 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 petitioner, who is the junior paternal uncle of the victim girl, had hugged and touched her in an inappropriate manner. He would submit that the statement from the victim girl under 164 of Cr.P.C., has been recorded. Hence, he vehemently opposed to grant bail to the petitioner.

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

6. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel, and also taking note of the statement recorded from the victim girl under Section 164 of Cr.P.C, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her 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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the learned Sessions Judge, Mahila Court, Perambalur 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



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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.

11.11.2022

shk

To

1. The learned Sessions Judge, Mahila Court, Perambalur
2. The Sub Inspector of Police,
All Women Police Station,
Perambalur
3. The Sub Jail,
Perambalur
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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