



Crl.O.P.No.28206 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

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

Crl.O.P.No.28206 of 2022

Arjunan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Omalur, Salem District.

(Crime No.10 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.10
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.T.Saikrishnan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



Crl.O.P.No.28206 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.09.2022 in Crime No.10 of 2022 registered for the offence under Sections 9(m) r/w 10, 11(1) r/w 12 of Protection of Children from Sexual Offences Act, 2012, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, who is the mother of the victim, is that the accused, who is her neighbour had called her minor daughter aged about 11 years seeking sexual favours. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is a senior citizen aged about 65 years and he is a neighbour to the de-facto complainant. He further submitted that the victim girl had taken some money from the petitioner's house, and when the petitioner had informed the same to the de-facto complainant, there was a dispute between them, due to which, a false complaint has been given as against the petitioner. He also stated that the petitioner understands that as per the



Crl.O.P.No.28206 of 2022

statement recorded from the victim girl under Section 164 Cr.P.C, the petitioner had called her seeking sexual favours and other than that there is no averment as against the petitioner for physical touch or any sexual assault. He further submitted that the petitioner is in custody from 12.09.2022, hence, he prayed for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, who is the neighbour of the de-facto complainant, had asked the minor daughter of the de-facto complainant for sexual favours and made an inappropriate request to her. He also submitted that the petitioner was arrested on 12.09.2022 and the investigation is pending, hence, he opposed to grant 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 statement recorded under 164 Cr.P.C from the victim girl.



CrI.O.P.No.28206 of 2022

6. Taking into consideration the facts and submissions of the case, taking note of the statement recorded under Section 164 Cr.P.C. from the victim girl, 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 the **learned Sessions Judge, Principal POCSO Court, Salem** 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 learned Sessions Judge, Principal POCSO Court, Salem, every Monday at 10.30 a.m., until further orders and the petitioner shall not enter into the jurisdictional limit of the respondent Police for a period of one month after coming out on bail;

[c] the petitioner shall not abscond either during investigation or trial;



CrI.O.P.No.28206 of 2022

[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.

17.11.2022

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To

1. The Sessions Judge, Principal POCSO Court,
Salem.
2. The Inspector of Police,
All Women Police Station,
Omalur, Salem District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.28206 of 2022

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Crl.O.P.No.28206 of 2022

17.11.2022