



Crl.OP.No.28709 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM

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

Crl.OP.No.28709 of 2022

1.N.Jaganathan

2.L.Karthick

..Petitioners

Vs.

The State of Tamil Nadu Rep by,
The Inspector of Police,
SRMC All Women Police Station,
Chennai.
Crime No.10 of 2022

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in connection with Crime
No.10/2022 on the file of respondent police.

For Petitioners : Mr.D.Chandra Sekar

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 25.09.2022 for the offences punishable under Sections 294(b), 323, 506(i) IPC & 5(1), 5(g), 5(o) read with Section 6 of POCSO Act in Crime No.10 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that a victim boy aged about 14 years has been admitted on 25.05.2022 to a Rehabilitation centre run by the 1st accused named Mr.Ravi in the name and style of "REE LIFE FOUNDATION", since the victim did not obey his parents and had discontinued his school studies. Then, the victim boy was admitted to such rehabilitation centre by one Mr.Guru, the neighbour to the victim boy, on the consent from his father and mother. The petitioners namely A2 and A4 are the employees to such rehabilitation centre. The further allegation is that when the victim was in the home, accused 1 to 4 have brutally attacked the said victim boy and molested him and 1st accused in a drunken mood has harassed and tortured the boy physically and also committed forcible sexual abuse against the victim multiple times and



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the accused 1 to 5 have attacked the victim boy, in which the victim boy escaped from the said Rehabilitation centre and then his mother had complained the same and the said complaint was forwarded to the Respondent Police and the same was registered in Crime No. 10 of 2022 under Section 294(b), 323, 506(1) of IPC and Section 5(I), 5(g), 5(o) and 6 of POCSO Act.

3. The learned counsel appearing for the petitioners would submit that the petitioners are arrayed as A2 and A4 in this case. He would further submit that, even as per the prosecution, the allegation as against the petitioners is that, they being the employees in the home run by the first accused have harassed and beaten the victim. He would further submit that, the petitioners understand that in the statement of the victim boy recorded under Section 164 of Cr.P.C, he had made allegations of sexual assault only as against the A1, who is running the home and as far as the allegation as against the petitioners are that, they have assaulted the victim boy, who had confronted them. He would further submit that similarly placed accused had been enlarged on bail by this Court in CrI.O.P.No.25807 of 2022 dated 04.11.2022. He would



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further submit that the petitioners have been suffering incarceration from 25.09.2022. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate (CrI.Side) appearing for the respondent would submit that the petitioners are arrayed as A2 and A5. He would further submit that the allegations as against the petitioners is that, the petitioner on instigation of main accused, who was running the home have harassed the victim and assaulted him, when he had confronted them. He would fairly submit that, as far as the petitioners are concerned, there is no allegation of sexual assault on the victim boy. However, he opposed to grant bail to the petitioner.

5. Heard the learned counsels and also perused the FIR as well as the statement under Section 164 of Cr.P.C recorded from the victim boy.

6. Taking into consideration the facts and submissions and the period of incarceration of the petitioners from the date of his arrest and also considering that there is no allegation as against the petitioners for



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having physically molested the victim boy and also considering that similarly placed accused have been granted bail by this Court in Crl.O.P.No.25807 of 2022 dated 04.11.2022, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on their 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 POCSO Court at Chengalpet** 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 petitioners shall report before the respondent police daily at 10.30.a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with



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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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

23.11.2022

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To

1. POCSO Court at Chengalpattu
2. The Inspector of Police,
SRMC All Women Police Station,
Chennai.



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3.Sub Jail, Chengalpattu.

4.The Public Prosecutor,
High Court of Madras

A.D.JAGADISH CHANDIRA, J.

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