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Crl.O.P.No.28862 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2022

CORAM

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

Crl.OP.No.28862 of 2022

Sanjay Kumar

... Petitioner

Vs.

State, represented by
The Inspector of Police,
A.W.P.S. West,
Coimbatore City.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, pending investigation in Crime
No.47 of 2022 on the file of the respondent police.

For Petitioner : Mr.O.S.Thilak Pasumbadiyar

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 22.10.2022 for the offences punishable under Sections 11 (IV) and 12 of Protection of Child from Sexual Offences Act, 2012 in Crime No.47 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that his daughter is studying XI standard and that she used to go for NEET coaching Institute at R.S.Puram. While so on 20.10.2022, the defacto complainant's daughter had gone to the coaching Institute, at that time, the petitioner had compelled her to get in his car and troubled her. Further, the petitioner had stalked the minor girl and disturbed her through social media. 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 further submit that the petitioner and the defacto complainant's daughter are friends and known to each other in the NEET



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coaching Institute. The defacto complainant, on suspecting that the petitioner was having relationship with his minor daughter, had given a false complaint against the petitioner. Based on which, the petitioner was arrested on 22.10.2022. He would submit that the petitioner is ready and willing to file an affidavit of undertaking before the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore that he will not interfere or disturb the victim girl. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner, who is the classmate of the victim girl, had stalked her and also harassed her through social media. On the complaint given by the victim girl's father, the petitioner has been arrested on 22.10.2022. He would further submit that statement of the victim girl under Section 164 of Cr.P.C., has been recorded, wherein, there is no allegation as if the petitioner had committed sexual assault on her. However, he vehemently opposed to grant bail to the petitioner.



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5. Heard both the learned counsel and perused the materials 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, the submissions made by the learned counsel and also taking note of the fact that the statement recorded from the victim girl under Section 164 of Cr.P.C., 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**, out of which, one surety should be either father or mother of the petitioner, each for a like sum to the satisfaction of the **Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore** 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;



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[b] the petitioner shall report before the respondent daily at 10.30 a.m., until further orders;

[c] After coming out on bail, within a period of one week, the petitioner shall file an affidavit of undertaking before the Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore that he will not interfere or disturb the victim girl.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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];**



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A.D.JAGADISH CHANDIRA, J.

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[g] If the accused thereafter abscond, a fresh
FIR can be registered under Section 229A IPC.

24.11.2022

shk

To

1. The Principal Special Court for Exclusive Trial of cases
under POCSO Act, Coimbatore
- 2.The Inspector of Police,
A.W.P.S. West,
Coimbatore City.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

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