



WEB COPY



Crl.O.P.No.29185 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM

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

Crl.O.P.No.29185 of 2022

P.Vasantha Kumar @ Vasanth

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
W-17, All Women's Police Station.
Crime No.18 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.18 of 2022 on the file of
the respondent police.

For Petitioner : Mr.B.Kalaiarasan

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



CrI.O.P.No.29185 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.10.2022 for the offences punishable under Sections 8 and 17 of POCSO Act, 2012 (As amended) in Crime No.18 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that her minor daughter, who is aged about 16 years had gone to shop to purchase groceries. At that time, the accused, who is in an inebriated condition, had inappropriately touched her breast and when the victim girl raised alarm, the accused had given Rs.500/- to her. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has nothing to do with the alleged offence. He would further submit that the petitioner had gone to the shop to purchase groceries, at that time, there was a quarrel between the petitioner and the defacto complainant, due to which, she had given a false complaint



Crl.O.P.No.29185 of 2022

against the petitioner. He would submit that other than the allegation of inappropriate touch, there is no allegation of sexual assault. He would submit that the major part of the investigation has also been over. 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 in an inebriated condition, had touched the breast of the victim girl. He would submit that investigation has been completed and the charge sheet has been filed before the learned Special Court for POCSO, Chennai and the statement of the victim girl under Section 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 including the statement recorded from the victim girl under Section 164 of Cr.P.C.



CrI.O.P.No.29185 of 2022

WEB COPY

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**, each for a like sum to the satisfaction of the **learned Special Court for Exclusive Trial of cases under POCSO Act, Chennai** 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 Special Court for Exclusive Trial of cases under POCSO Act, Chennai daily on the working days at 10.30 am for a period of 30 days and thereafter, on the date fixed by the learned Judge. The petitioner**



Crl.O.P.No.29185 of 2022

shall not enter into the jurisdictional limits of the respondent police;

[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 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.

28.11.2022

shk



WEB COPY



Crl.O.P.No.29185 of 2022

A.D.JAGADISH CHANDIRA., J.

shk

To

1. The Special Court for Exclusive Trial of Cases under POCSO Act
Chennai.
2. The Inspector of Police,
W-17, All Women's Police Station.
3. The Puzhal Jail,
Chennai.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.29185 of 2022

28.11.2022