



Crl.O.P.No.29860 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.29860 of 2022

Arivazhagan

...Petitioner

Vs.

State rep. by.,
The Inspector of Police,
All Women Police Station,
Sooramangalam,
Salem City, Salem District.
(Crime No.32 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioner on bail in connection with Crime No.32
of 2022 on the file of the respondent police.

For Petitioner : Mr.P.Dileepan

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 08.11.2022 for the offences punishable under Sections 448 IPC & Section 11(i) read with Section 12, 7 read with Section 8 of POCSO Act, 2012 in Crime No.32 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner attempted to commit sexual assault on the victim girl and thereby threatened her with dire consequence. Hence, the case.

3.The learned counsel appearing for the Petitioner would submit that false case has been foisted against the Petitioner. Hence, he prays for grant of bail to the Petitioner.

4.The learned Government Advocate (Crl.Side) would submit that that the statement of the victim girl under Section 164 of Cr.P.C has also been recorded. However, he opposed to grant bail to the Petitioner.



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5. On perusal of the statement of the victim girl under Section 164 of Cr.P.C., revealed that the petitioner entered into the victim girl's house and threatened her and thereafter he jumped out of the window and fled away.

6. Taking into consideration the facts of the case and also the period of incarceration by the Petitioner and also considering that there was no sexual assault on the victim girl, 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 their executing separate bond for a sum of **Rs.10,000/-** (Rupees ten thousand only) with **two sureties**, each for a like sum to the satisfaction of **learned Principal Session Judge, POCSO Court, Salem District** 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 police twice daily at 10.30 a.m., and 04.30.p.m., for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

02.12.2022

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To

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



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G.K.ILANTHIRAIYAN, J.

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