



WEB COPY



CrI.O.P.No.30169 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2022

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.30169 of 2022

Mani

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Woman Police Station,
Villupuram, Villupuram District.

(Crime No.62/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.62 of
2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.S.Vinoth KUMar
Government Advocate (CrI.Side)



Crl.O.P.No.30169 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.07.2022 for the offences punishable under Sections 11(1) and 12 of Protection of Child from Sexual Offences Act 2012 in Crime No.62 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner had taken the minor daughter of the de-facto complainant, aged about 7 years to a secluded place and mis appropriately touched her private parts. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and due to dispute between the petitioner and the de-facto complainant family, a false complaint has been given against him. He would further submit that the petitioner is in custody from 20.07.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



Crl.O.P.No.30169 of 2022

WEB COPY

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner has misbehaved with the minor daughter of the de-facto complainant and mis appropriately touched her private parts. He would also submit that the 164 statement has also been recorded from the minor victim girl. Hence, he vehemently 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 164 statement recorded from the victim girl.

6. Taking into consideration the facts and circumstances of the case and the submission made by the learned counsel, 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Special Judge for Exclusive Trial of cases under POCSO Act, Villupuram**



Crl.O.P.No.30169 of 2022

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 respondent police on every Wednesday at 10.30 a.m., until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond 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]***; and;

(f) if the accused thereafter absconds, a fresh FIR



WEB COPY



Crl.O.P.No.30169 of 2022

can be registered under Section 229-A IPC.

07.12.2022

vk

To

- 1.The Special Judge for Exclusive Trial
of cases under POCSO Act, Villupuram
- 2.The Inspector of Police,
All Woman Police Station,
Villupuram, Villupuram District.
- 3.The Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.

T.V.THAMILSELVI,J.



WEB COPY



Crl.O.P.No.30169 of 2022

vkr

Crl.O.P.No.30169 of 2022

07.12.2022