



CrI.O.P.No.32205 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2022

CORAM

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

CrI.O.P.No.32205 of 2022

Narayanan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Mylapore, Chennai.

(Crime No.6/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending trial in S.C.No.143 of 2022
on the file of the learned Special Court for Exclusive trial of cases under
POCSO Act, Chennai.

For Petitioner : Mr.N.Sudharsan

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



CrI.O.P.No.32205 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.04.2022 for the alleged offences punishable under Sections 5(l)(m)(n) r/w 6 and 9(m) r/w 10 of Protection of Children from Sexual Offences Act, 2012, in Crime No.6 of 2022, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner, who is none other than the father of the minor victim girl, has sexually harassed her own daughter. Based on the complaint given by the victim girl, the case has been registered in Crime No.6 of 2022 for the offences punishable under Sections 5(l)(m)(n) r/w 6 and 9(m) r/w 10 of Protection of Children from Sexual Offences Act, 2012. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is none other than the father of the minor victim girl. He further submitted that when the petitioner came to know about the love affair of the victim girl with one boy, he reprimanded her. Due to which, the victim girl



Crl.O.P.No.32205 of 2022

has given a false complaint as against the petitioner. He further submitted that the petitioner is in custody from 30.04.2022, hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) submitted that the petitioner has sexually harassed the minor victim girl, who is none other than his daughter. He also stated that final report has been filed and it is taken on the file of the learned Special Court for Exclusive trial of cases under POCSO Act, Chennai, in S.C.No.143 of 2022. He further submitted that a statement has also been recorded from the victim girl under Section 164 Cr.P.C. Therefore, he vehemently opposed to grant bail to the petitioner.

5. The victim girl present before this Court and this Court enquired her. On enquiry, she admitted that she only gave a false complaint against her father on the instigation of her boy friend, since her father reprimanded her on knowing their love affair.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on



Crl.O.P.No.32205 of 2022

record including the statement recorded from the victim girl under 164 Cr.P.C.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and taking note of the statement given by the victim girl and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 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 appear before the trial Court on all hearing dates, without fail;



WEB COPY



CrI.O.P.No.32205 of 2022

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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.

23.12.2022

ham
To

1. The Special Court for Exclusive trial
of cases under POCSO Act, Chennai.
2. The Inspector of Police,
All Women Police Station,
Mylapore, Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.32205 of 2022

T.V.THAMILSELVI,J.

ham

Crl.O.P.No.32205 of 2022

23.12.2022