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Crl.O.P.No.31026 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2022

CORAM

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

Crl.O.P.No.31026 of 2022

Kirankumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Dharapuram Police Station,
Tirupur.

(Crime No.565/2022).

... 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.565
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Karthik

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.10.2022 for the alleged offences punishable under Sections 10 and 9(m) of POCSO Act in Crime No.565 of 2022, seeks bail.

2. It is the case of the prosecution that the petitioner had misbehaved with the defacto complainant who is aged about 7 years and inappropriately touched her private parts. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that even as per the allegations other than misbehaviour, there is no allegation of sexual assault. He would also submit that the petitioner is in custody from 24.10.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.



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4.Per contra, the learned Government Advocate (Crl.Side) would submit that the petitioner had misbehaved with the defacto complainant who is aged about 7 years and inappropriately touched her private parts. He would further submit that 164 statement has been recorded from the victim girl and the investigation has also been completed. However, he vehemently opposed to grant bail to the petitioner.

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

6.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner, 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 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**



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Judicial Magistrate, Tiruppur 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 Saturday at 10.30 a.m., for a period of three months;

[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 can be registered under Section 229-A IPC.

15.12.2022

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To

- 1.The Judicial Magistrate,
Tiruppur.
- 2.The Inspector of Police,
Dharapuram Police Station,
Tirupur.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI,J.

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