



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

RESERVED ON : 24/03/2022

PRONOUNCED ON: 31/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4843 of 2022

Mohankumar ... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai District.
(Cr.No.4 of 2022). ... Respondent/Complainant

Sakthivel ... Petitioner/Intervener

For Petitioner : Mr.M.Ajmalkhan, Senior Counsel
for Mr.K.Selvakumarasamy, Advocat
For Respondent : Mr.E.Antony Sahaya Prabhar,
Additional Public Prosecutor
For Intervenor : Mr.C.Suresh Kannan, Advocate

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

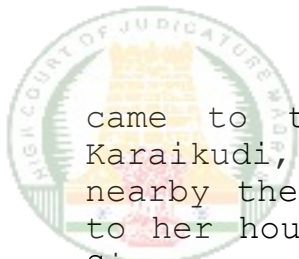
PRAYER :-

For Bail in Crime No.4 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole accused, who was arrested and remanded to judicial custody on 06.02.2022 for the offences punishable under Sections 7, 8, 11(iii) and 12 of the Protection of Children from Sexual Offences Act, 2012, in Crime NO.4 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is studying her first year B.Tech in College, in Dindigul and she is having a sister and brother, that her father worked in Singapore for the past 24 years and five months ago, he

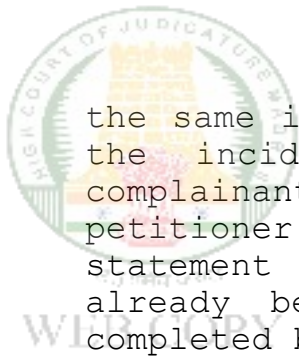


came to the house at Karaikudi and stays with the family at Karaikudi, that her mother had been running a textile showroom nearby their house, that the petitioner who runs hospital adjacent to her house, is their family doctor, that while her father was in Singapore, the petitioner used to come her house to treat her mother and thereafter he used to stay with her mother till midnight 2 O'clock, that she had studied her 11th and 12th standard at Pudukottai, that sometimes the petitioner, who had close relationship with her mother, took her from the school and that one day, in the last week of January 2020, the petitioner took her in his car from the school and while returning the petitioner parked his car at the side of the road and tried to molest her by showing a video wherein her mother was with him at close quarters, that since she refused to see the video and opposed it, the petitioner hit on her shoulder and dropped her at her house, that during the pandemic period, she used to attend her classes from home by virtual mode, that at that time, the petitioner sitting beside her showed some porn videos from You Tube and while showing the same, he would say that this will be in her biology subject, that thereafter one day in the beginning of December 2020 at about 11.00p.m., while she was sleeping with her sister and brother in her bedroom, she felt like someone was touching her shoulder and breast, that when she woke up, she saw the petitioner sitting next to her and putting his hand on her breast, that she had shouted at him and informed that she would tell her mother, that the petitioner informed her with her that her mother has been administered injection and she was asleep and that if the defacto complainant makes any complaint, he will administer other injunction on her mother.

3.The case of the petitioner is that the house of the defacto complainant and the hospital of the petitioner are adjacent to each other, that the petitioner is the family Doctor of the defacto complainant's family, that the petitioner used to visit the house of the defacto complainant to treat her mother and her mother was friendly with the petitioner, that the defacto complainant who did not like her mother's friendly relationship with the petitioner, raised objections and also informed her father, that thereafter there were continuous altercations between the petitioner's mother and father over phone, that the defacto complainant and her father who could not find a way to end the relationship between the petitioner the defacto complainant's mother, have lodged the present complaint falsely implicating the petitioner and that the petitioner is innocent and he has nothing to do with the alleged occurrences.

4.No doubt, the petitioner's earlier application for bail was dismissed by this Court in Crl.O.P.(MD)No.3603 of 2022, vide order dated 25.02.2022.

5.The learned Senior Counsel appearing for the petitioner would submit that the defacto complainant's father has already filed a <https://hseviscstcortn.gov.in/crservice> petition for injunction against the defacto complainant's mother and



the same is pending and that the petitioner has nothing to do with the incidents and the disputes existed between the defacto complainant's father and mother. He would further submit that the petitioner is in judicial custody from 06.02.2022, that the statement under Section 164 Cr.P.C., from the victim girl has already been recorded, that the investigation might have been completed by this time and that the petitioner is not having any bad antecedents and that therefore, the petitioner may be enlarged on bail.

6.The learned Counsel for the intervenor would submit that the intervenor is the father of the victim girl, that when he worked in Singapore, the petitioner used to come to his house to treat his wife and he had illegal relationship with his wife and due to their illegal relationship, the petitioner used to harass the victim girl also. Hence, he strongly opposes for granting bail to the petitioner.

7.The learned Additional Public Prosecutor appearing for the State would submit that the investigation is almost completed and that the petitioner is not having any previous case for similar or serious offences.

8.Considering the above facts and circumstances and also taking note of the facts that the petitioner is in judicial custody from 06.02.2022, that the investigation is almost completed as stated by the learned Additional Public Prosecutor and that the petitioner is not having any bad antecedents, this Court is inclined to grant bail to the petitioner on certain conditions:

9.Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Special Judge for the exclusive trial of the cases under POSCO Act, Sivagangai;

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iv)the petitioner shall not tamper with evidence or witness;

(v)the petitioner shall not abscond during trial;

(vi)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]***.

(vii) If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

31/03/2022

/ TRUE COPY /

01/04/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE SPECIAL JUDGE

FOR THE EXCLUSIVE TRIAL OF THE CASES UNDER POCSO ACT,
SIVAGANGAI.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARAIKUDI, SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE
CENTRAL SUB JAIL,
VIRUDHUNAGAR.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.SELVAKUMARASAMY, Advocate (SR-2799[I] dated
31/03/2022)

ORDER

IN

CRL OP(MD) No.4843 of 2022

Date : 31/03/2022

RS/VR/SAR.3(01.04.2022) 4P-6C

<https://hcservices.ecourts.gov.in/hcservices/>