



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD) . No.22395 of 2022

WEB COPY

John @ John Pitchai

... Petitioner/Sole Accused

Vs

1. The State Rep. by,
The Inspector of Police,
Kamuthi AW Police Station,
Ramanathapuram District.
In Crime No.15/2022).

... Respondent/Complainant

2. P.Ponnammal

... Petitioner/Defacto Complainant
IN CRL MP(MD) NO.16084/2022 IN
CRL OP(MD) NO.22395/2022.

For Petitioner : M/s. Balaji.A,
Advocate.

For Respondent : Mr.T. Senthilkumar,
Additional Public Prosecutor

For intervenor : Mr. A.M.V. Saravanan, Advocate

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

PRAYER :-

For Bail in Cr No.15/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 19.11.2022 for the offence punishable under Sections 448, 294(b), 323, 506(i) IPC and Sections 7 and 8 of POCSO Act in Crime No. 15 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that her son Ilayarajan is presently working at Mysore. He was married to one Sundari and since she was in illicit relationship with the petitioner herein / John Pitchai, her son handed over his two children to his mother, who is the defacto complainant herein, and left to Mysore. The girl children were studying in school and while on 24.10.2022 at about 5.00 pm she along with her grand daughter at home, the said John Pitchai trespassed into the house and had abused her grand daughter and misbehaved with the grand daughter by lifting her nighty. Hence, he was arrested and remanded to judicial custody.



3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the defacto complainant suspecting that her daughter-in-law was having affair with the petitioner and thereby, the defacto complainant has given a false complaint through her grand daughter. He further contended that the alleged occurrence is said to have taken place on 24.10.2022, but the complaint was given belatedly on 04.11.2022. Even as per the defacto complainant's complaint there is no sexual assault on the victim and the allegation is that the petitioner attempted to misbehave with the victim girl and thereby, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted the petitioner is a paramour of the mother of the victim. On 24.10.2022 when the victim and her grand mother were at home, the petitioner trespassed into the house of the defacto complainant and attempted to misbehave by lifting her nighty. Since the defacto complainant raised alarm the petitioner threatened them and rushed out of the house. He further submitted that 164 statement of the victim was recorded and the investigation of the case has been completed and the charge sheet also filed before the concerned Court on 05.12.2022.

5. The learned counsel for the intervenor vehemently opposed to grant bail to the petitioner stating that the petitioner is a paramour of the mother of the victim and he had trespassed into the house of the defacto complainant and attempted to misbehave with the victim girl.

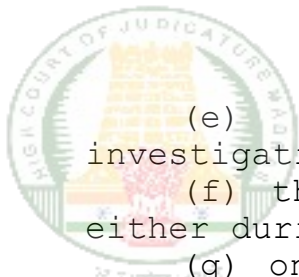
6. Heard and perused materials on record including 164 Cr.P.C., statement of the victim. Taking into consideration of the facts and submissions made by the learned counsels and that petitioner is in judicial custody from 19.11.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Sessions Judge (Fast Track Mahila Court), Ramanathapuram and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall appear before the Special Court for Pocso Act Cases, Ramanathapuram daily at 10.30 a.m., until further orders. Further, the petitioner shall not enter into the jurisdiction of the respondent police till the examination of PW.1 and victim;

(d) the petitioner shall not commit any offences of similar



(e) the petitioner shall not abscond either during investigation or trial;

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

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

23/12/2022

/ TRUE COPY /

23/12/2022

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

TRP

TO

1. THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT, RAMANATHAPURAM.
2. THE OFFICER-INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.
3. THE INSPECTOR OF POLICE
KAMUTHI AW POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
RAMANATHAPURAM.

+1 CC to M/s.A.BALAJI, Advocate (SR-15445[I] dated 23/12/2022)

ORDER

IN

CRL OP(MD) No.22395 of 2022

Date :23/12/2022

USK/SSS/SAR- /23.12.2022/3P/7C