



Crl.O.P.No.1593 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2023

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

Crl.O.P.No.1593 of 2023

Lokesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Jalakandapuram Police Station,
Salem District.

(Crime No.321 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime No.321
of 2022 on the file of the respondent.

For Petitioner : M/s.G.Ambika

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 30.11.2022, for the alleged offences punishable under Sections 11(i)(iv) r/w 12 of Protection of Children from Sexual Offences Act, 2012, and Section 341 of IPC, in Crime No.321 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 accused has followed his minor daughter, aged about 16 years and made a love torture to her. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that on knowing the love affair between the petitioner and the victim girl, the de-facto complainant has lodged a false complaint. He further submitted that the petitioner is in custody from 30.11.2022 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.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner has followed the de-facto complainant's minor daughter, aged about 16 years and made a love torture to her. He further submitted that the investigation has almost been completed and the statement has also been recorded from the victim girl under 164 Cr.P.C. Hence, he 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 statement recorded from the victim girl under 164 Cr.P.C.

6. Taking into consideration the facts and circumstances of the case and taking note of the fact that the investigation is almost completed 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)**



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with **two sureties** (out of which, one should be the blood surety, who should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Sessions Judge, Principal POCSO Court, Salem,** 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 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation;

(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;



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(f) if the accused thereafter absconds, a fresh
FIR can be registered under Section 229-A IPC.

25.01.2023

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To

1. The Sessions Judge,
Principal POCSO Court,
Salem.
2. The Inspector of Police,
Jalakandapuram Police Station,
Salem District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI,J.

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