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CrI.O.P.No.4911 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.4911 of 2023

P.Murugan

... Petitioner

Vs.

The State represented by,
The Station House Officer,
All Women Police Station,
Chidambaram,
Cuddalore District.

(Crime No.2 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime No.2
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Nithyanandhan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



Crl.O.P.No.4911 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.01.2023, for the offences punishable under Sections 7 & 8 of Protection of Children from Sexual Offences Act, 2012, in Crime No.2 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Saraswathi, is that the accused have misbehaved with her minor daughter, aged about 17 years, by inappropriately touching her breast. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to the previous enmity, a false complaint has been given against the petitioner, as if he had misbehaved with the minor daughter of the de-facto complainant. He further submitted that the petitioner is in custody from 08.01.2023 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.



Crl.O.P.No.4911 of 2023

WEB COPY

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner has misbehaved with the minor daughter of the de-facto complainant, aged about 17 years, by inappropriately touching her breast. He further submitted that Statement under Section 164 Cr.P.C., has also been recorded from the minor victim girl, hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record including the Statement recorded from the victim girl under Section 164 Cr.P.C.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner 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)**



Crl.O.P.No.4911 of 2023

with **two sureties**, each for a like sum to the satisfaction of the **learned Special Court for POCSO Act, Cuddalore District**, 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 stay at Madurai and report before the Inspector of Police, C-4 Othakadai Police Station, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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]***;



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CrI.O.P.No.4911 of 2023

[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

08.03.2023

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To

1. The Special Court for POCSO Court Act,
Cuddalore District.
2. The Station House Officer,
All Women Police Station,
Chidambaram,
Cuddalore District.
3. The Central Prison,
Cuddalore.
4. The Inspector of Police,
C4, Othakadai Police Station,
Madurai District.
5. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.4911 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.4911 of 2023

08.03.2023