



Crl.O.P.No.5369 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

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

Crl.O.P.No.5369 of 2023

L.Vishwa

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Gummidipoondi.

(Crime No.2 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner/accused on bail, in connection with the

Crime No.2 of 2023, pending investigation on the file of the respondent

Police.

For Petitioner : Mr.M.Naresh

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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Crl.O.P.No.5369 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.01.2023 for the offences punishable under Sections 354, 354-A(2), 354D, 506(ii) of IPC and Section 12 of POCSO Act 2005 and Section 4 of TNPWH Act, in Crime No.2 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Nathiya is that the accused namely Madhavan, his brother and his friends had continuously stalked her daughter on her way to school and it was brought to the notice of the defacto complainant by her daughter. When the defacto complainant had questioned the same, the accused had trespassed into the house of the defacto complainant and threatened her and her family members stating that if her daughter does not love A1, they will kidnap and spoil her life. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since the defacto complainant suspects that the petitioner is the friend



Crl.O.P.No.5369 of 2023

of main accused Rakesh. He further submitted that even the main allegations are made out only as against the said Rakesh and his brother Madhavan, who have stated to have compelled the victim to love the said Rakesh. He further submitted that the petitioner also understands that the major part of the investigation is over and the statement under Section 164 Cr.P.C has also been recorded from the victim. He further submitted that it is not a case of sexual assault on the victim. He also submitted that the petitioner is in judicial custody from 10.01.2023 and hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner is the friend of Rakesh and Madhavan. The said Rakesh had compelled the minor victim to love him and when she has denied the same, the accused had trespassed into the house of the defacto complainant and threatened her. He further submitted that the statement under Section 164 Cr.P.C has also been recorded from the victim. Therefore, he opposed to grant bail to the petitioner.



Crl.O.P.No.5369 of 2023

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

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**, (out of which, one surety should be either father or mother of the petitioner and should produce document to show his/her means) each for a like sum to the satisfaction of the **learned Judge, Mahila Court, Thiruvallur** 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;



Crl.O.P.No.5369 of 2023

[b] the petitioner shall stay at Chennai and report before the Inspector of Police, Thuraipakkam Police Station everyday at 10.30 a.m., until further orders;

[c] It is made clear that the petitioner shall not enter into the jurisdictional limit of the respondent Police until further orders;

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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]*;

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

07.03.2023

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Crl.O.P.No.5369 of 2023

A.D.JAGADISH CHANDIRA.,J.

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To

1. The Mahila Judge, Thiruvallur.
2. The Inspector of Police,
All Women Police Station,
Gummidipoondi.
3. The Central Prison, Puzhal.
4. The Public Prosecutor, High Court of Madras.

Crl.O.P.No.5369 of 2023

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