



Crl.O.P.No.5802 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

CORAM

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

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Aravindhan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Valapady Police Station,
Salem.

(Crime No.32 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in connection
with the Crime No.32 of 2023 on the file of the respondent Police.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.01.2023, in connection with Crime No.32 of 2023, registered for the offence punishable under Sections 13(c), 14(1) of Protection of Children from Sexual Offences Act, 2012, and Sections 66E, 67E, 67B of IT Act, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant/Kavitha, is that on 14.01.2023, she received a call from one Kamali, who stated that she was engaged to one Aravindhan and while seeing his phone, she had seen the obscene video of the minor daughter of the de-facto complainant, aged about 15 years, who was studying 10th standard, without clothes. Based on the complaint given by the de-facto complainant, a case in Crime No.32 of 2023, came to be registered for the offence under Sections 13(c), 14(1) of Protection of Children from Sexual Offences Act, 2012, and Sections 66E, 67E, 67B of IT Act. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, aged about 20 years, is an innocent person and he was engaged to one Kamali. He further submitted that there was a dispute between the



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petitioner and the said Kamali, due to which, she has given a false information, as if the petitioner was having the obscene video of the victim girl. He also submitted that even as per the prosecution, the petitioner has not shared the video to others, whereas, the said Kamali is the one, who has shared it to the mother of the victim girl. He further submitted that other than having the obscene video of the victim girl in the mobile phone, there is no allegation of sexual assault on the part of the petitioner. He also submitted that the petitioner is in custody from 19.01.2023, hence, he prays for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner had befriended the de-facto complainant's child and by inducing her, had taken an obscene video of her without dress and thereafter, stored the same in his mobile. Later, based on the information given by one Kamali, the de-facto complainant has lodged a complaint as against the petitioner. He further submitted that the statement has been recorded from her under 164 Cr.P.C. He also submitted that the investigation is pending, hence, he oppose for grant of bail to the petitioner.



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

6. Taking into consideration the facts and circumstances of the case and taking note of the statement recorded under Section 164 Cr.P.C. from the victim girl and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

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), 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



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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, 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]**;

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

14.03.2023

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To



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1. The Sessions Judge, Principal POCSO Court,
Salem.
2. The Inspector of Police,
Valapady Police Station,
Salem District.
3. The Sub Jail,
Attur, Salem District.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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