



Crl.O.P.No.7272 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

CORAM

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

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Narayanamoorthy

... petitioner

Vs.

The State represented by,
The Inspector of Police,
Thirukazhukundram Police Station,
Chengalpattu District.

(Crime No.711 of 2022).

... 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.711 of 2022, pending on the file of the respondent police.

For petitioner : Mr.R.Sasikumar

For Respondent : Mr.C.E.Pratap
Government Advocate (crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.02.2023 for the offences punishable under Sections 363, 366 r/w 109 of IPC and Sections 17, 4, 6, 5(1) of POCSO Act 2012 in Crime No.711 of 2022, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the defacto complainant / Kotti is that A1/Pokeswaran had kidnapped his minor daughter and performed marriage with her and committed penetrative sexual assault on her. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioner is an innocent person and since he happens to be the friend of A1/Pokeswaran, he has been falsely implicated in this case. He would further submit that A1 and the minor daughter of the defacto complainant were in love and they have eloped from the house and the respondent was unable to find them out and in order to put pressure on A1, they have given a false complaint, as if the petitioner has abetted and assisted A1 in kidnapping the minor victim girl. He would further submit that A1 has been arrested



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after 1 ½ months and the victim girl has also been secured. He would also submit that the statement under Section 164 Cr.P.C has been recorded from the victim girl, wherein, she has not made any specific allegations as against the petitioner. Thereby, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that it is a case where A1/Pokeswaran had kidnapped the minor daughter of the defacto complainant and kept her in illegal confinement for 1 ½ months and performed marriage with her in a temple and thereafter, committed penetrative sexual assault on her. He would further submit that there is no allegations as against the petitioner as if he has committed any sexual assault on the victim girl. He would also submit that the petitioner, being the friend of A1, has helped him in committing the offence and thereby, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also considering the period of incarceration suffered 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**, for a like sum to the satisfaction of the **learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Chengalpattu** 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 daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;**

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



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[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.

10.04.2023

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To

1. The Sessions Judge,
Special Court for exclusive trial of cases under POCSO Act,
Chengalpattu.
2. The Inspector of Police,
Thirukazhukundram Police Station,
Chengalpattu District.
3. The Central Prison
Puzhal.
4. The Public Prosecutor, High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Vkr

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