



Crl.O.P.No.7817 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM

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

Crl.O.P.No.7817 of 2023

Mugunthan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Thudiyalur,
Coimbatore District.

(Crime No.7 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.7 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.W.Camyles Gandhi

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 18.03.2023, for the offences punishable under Sections 7 r/w 8 of Protection of Children from Sexual Offences Act, 2012, in Crime No.7 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, xxxx, aged about 13 years, is that she is living with her maternal grandmother. On 18.03.2023, when she had gone to the nearby provision store, for buying vegetables, the accused has hugged and kissed her and also attempted to misbehave with her. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, aged about 23 years, is an innocent person and he has been falsely implicated in this case. He further submitted that the de-facto complainant and the petitioner are neighbours and due to the previous enmity, a false complaint has been given as against him, through the de-facto complainant and he has not committed any offence as alleged by the prosecution. He



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further submitted that the petitioner is in custody from 18.03.2023 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.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner had misbehaved with the minor victim girl, aged about 13 years, when she had gone to his provision store for buying vegetables. He further submitted that the statement has also been recorded from the minor victim girl under 164 Cr.P.C.. However, he opposed for grant of 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 entire materials available on record including the statement recorded under 164 Cr.P.C from the minor victim girl.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the statement recorded under 164 Cr.P.C from the minor victim



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girl, 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), for a like sum to the satisfaction of the **learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore**, 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 Cuddalore and report before the Inspector of Police, Cuddalore Old town Police Station, everyday at 10.30a.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;



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[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.

12.04.2023

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To

1. The Principal Special Court for
Exclusive Trial of Cases under POCSO Act,
Coimbatore.
2. The Inspector of Police,
All Women Police Station,
Thudiyalur,
Coimbatore District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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