



Crl.O.P.No.8353 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM

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

Crl.O.P.No.8353 of 2023

Ramachandiran

... Petitioner

Vs.

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

(Crime No.3 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.3 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.R.Vivekananthan

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 02.02.2023, in connection with Crime No.3 of 2023 registered for the offences punishable under Sections 366, 342 IPC and Section 5(l), 5(n), 6 of Protection of Children from Sexual Offences Act, 2012 @ Sections 366, 342, 350 IPC and Section 5(l), 5(n), 6 of Protection of Children from Sexual Offences Act, 2012, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Nallathambi is that his son-in-law/accused had abducted his younger daughter and had committed penetrative sexual assault on her and also continued to torture her. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to some misunderstanding in the family, a false complaint has been given as against the petitioner. He further submitted that the petitioner got married to the elder daughter of the de-facto complainant two years ago and there was a dispute in the family, due to



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which, the de-facto complainant has given a false complaint through his younger daughter and later, due to the intervention of the family members, the matter has been compromised and the victim girl has also retracted her statement which has been earlier given to the respondent Police and to the learned Magistrate. He also submitted that now the victim girl has also been married to another person and the entire matter has been compromised between the family. He further submitted that the family members are also taking steps to file a compromise quash before this Court and also submitted that the petitioner is in custody from 02.02.2023. Hence, he prayed for grant of bail to the petitioner, stating that he is ready to abide by any stringent conditions that may be imposed by this Court.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, who is none other than the brother-in-law of the minor victim girl, had committed penetrative sexual assault on her. He further submitted that the statement has also been recorded from the minor victim girl under 164 Cr.P.C. and the investigation in this case has been completed and the charge sheet has also been filed and it is taken up on file in Spl.S.C.No.28 of 2023. He also submitted that the victim



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girl has also been married to some other person. However, he opposed for grant of bail to the petitioner.

5. At this juncture, the learned Counsel for the petitioner submitted that the victim girl as well as her father/de-facto complainant have filed the Affidavits before this Court, stating that they have not made any allegations against the petitioner. Hence, he prayed for grant of bail to the petitioner.

6. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the statement recorded under 164 Cr.P.C from the victim girl and the Affidavits filed by both the victim girl and her father/de-facto complainant.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by the petitioner and also considering the Affidavits filed by the the victim girl and her father/de-facto



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complainant, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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**, each for a like sum to the satisfaction of the **learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Villupuram**, 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 appear before the **learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Villupuram**, on all working days at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the learned trial Judge.

[c] the petitioner shall also report before the **respondent Police on every Saturday at 6.30 p.m., until further orders;**



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[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.

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To

1. The Sessions Judge,
Special Court for Exclusive Trial of
Cases under POCSO Act, 2012,
Villupuram,
2. The Inspector of Police,
All Women Police Station,
Kallakurichi District.
3. The Central Prison,
Villupuram.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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