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Crl.O.P.No.8362 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

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

Crl.O.P.No.8362 of 2023

Anthonyraj

... Petitioner

Vs.

State Represented by
The Inspector of Police
All Women Police Station,
Villupuram,
Villupuram District.
(Crime No.17/2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.17 of 2023 pending on
the file of the respondent herein.

For Petitioner : Mr.G.Saravanabhavan

For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 10.03.2023, for the offences punishable under Sections 11(4), 12 of
POCSO Act 2012, in Crime No.17 of 2023 on the file of the respondent
police, seeks bail.



2. The case of the prosecution as per the defacto complainant is that her minor daughter aged about 15 years was studying in a Government School and that the accused who is residing in the same locality, used to stalk her and compel her to love him and also harassed and tortured her. Thereafter, when the husband of the defacto complainant enquired the accused, the accused informed him that he was in love with his daughter and thereby, the victim girl was put to mental stress. Hence, the case.s

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner and the defacto complainant's daughter are living in the same locality and they were friends for some time. The defacto complainant, on suspecting that the petitioner was having love affair with her daughter, has given a false complaint against the petitioner. Even as per the complaint, other than the allegation of stalking, there is no allegation of sexual assault and that the petitioner has been suffering incarceration from 10.03.2023. Hence, he prayed for grant of bail to the petitioner.



4. The learned Government Advocate (Criminal Side) for the respondent vehemently opposed to grant bail to the petitioner stating that the petitioner used to stalk the minor daughter of the defacto complainant and also harassed and torture her mentally. Further, the petitioner pulled the hands of the minor victim girl while she was on the way to school. He further submitted that the statement of the victim girl has been recorded under Section 164 Cr.P.C.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record including the FIR.

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant of 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, each** for a like sum to the satisfaction of the



learned Principal Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, 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 stay at Dharmapuri and report before the Town Police Station 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]*;



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

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To

1. The Principal Sessions Judge, Special Court for Exclusive Trial of Cases
under POCSO Act, Villupuram.
2. The Inspector of Police
All Women Police Station,
Villupuram,
Villupuram District.
3. The Inspector of Police
Town Police Station, Dharmapuri
4. The Central Jail, Cuddalore.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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