



WEB COPY



Crl.O.P.No.9184 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

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

Crl.O.P.No.9184 of 2023

Deva @ David

... Petitioner

Vs.

The State rep. by
Inspector of Police
Edaikkal Police Station
Kallakurichi District.
Kallakurichi

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner pending investigation in Crime No.39
of 2023, on the file of the respondent herein.

For Petitioner : Mr.P.Stepensan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 31.03.2023, for the offences punishable under Sections 11(4) and 12 of
POCSO Act, in Crime No.39 of 2023 on the file of the respondent police,
seeks bail.



2. The case of the prosecution as per the defacto complainant

Balasubramanian is that on 30.03.2023 at about 08.30 a.m., while his minor daughter was traveling in a town bus, the accused with sexual intent, had stalked her and pulled her ribbon. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted against him. He would submit that the defacto complainant by suspecting that the petitioner was having love affair with his daughter, has given a false case against the petitioner. He further submitted that the petitioner has been in judicial custody from 31.03.2023 and 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 who is known to the victim girl, had stalked her and with sexual intent, has pulled her ribbon while the victim girl was travelling in a bus and that the investigation is pending.



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 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 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 Chennai and report before the V6, Kolathur Police Station, everyday at 10.30 a.m. until further orders;



Crl.O.P.No.9184 of 2023

[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.

26.04.2023

ksa-2



Crl.O.P.No.9184 of 2023

To

1. The Sessions Judge,
Special Court for Exclusive trial of cases under POCSO Act,
Villupuram.
2. The Inspector of Police
Edaikkal Police Station
Kallakurichi District.
Kallakurichi
3. The Superintendent,
Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.9184 of 2023

A.D.JAGADISH CHANDIRA,J.,

ksa-2

Crl.O.P.No.9184 of 2023

26.04.2023