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CrI.OP.No.10236 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.10236 of 2023

Mukilan

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Vadapathimangalam Police Station,
Tiruvarur -610 206 TN.
Crime No.96 of 2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No. 96 of 2023 dated 09.03.2023 on the file of the respondent police pending investigation.

For Petitioner : Mr.Nirmal Aditya

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.03.2023 for the offence punishable under Section 12 and 11(1) of the POCSO Act, 2012, in Crime No.96 of 2023 on the file of the respondent police, seeks bail

2. The case of the prosecution is that the petitioner and the defacto complainant were neighbours. Due to dispute between their family members, the petitioner had tortured the minor victim girl under the guise of love. Further, the victim informed her mother about the misbehaviour of the petitioner. As a result on 08.0.2023, there was some dispute between their families and the victim girl consumed ant killer. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that the petitioner had love affair with the victim girl and sexually harassed her. When the same was informed to their family, there was some dispute between them. He further submitted that victim consumed ant killer and admitted in the hospital. He also submitted that statement under Section 164 of Cr.P.C has been recorded from the minor victim girl. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner with the condition to the petitioner that he shall file an affidavit of undertaking that he will not indulge any illegal activities with the minor victim girl in future. On such filing of affidavit of undertaking, 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 **Judicial Magistrate No.II, Mannargudi** and on further conditions that:



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[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., 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]**.

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

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To

- 1.The Judicial Magistrate No.II,
Mannargudi.
2. The Inspector of Police,
Vadapathimangalam Police Station,
Tiruvarur -610 206 TN.
3. The Jailer,
Sub Jail, Mannargudi.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai



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G.K.ILANTHIRAIYAN, J.

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