



Crl.O.P.No.11964 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.06.2023

CORAM:

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

Crl.O.P.No.11964 of 2023

John Pernandass

.. Petitioner

/versus/

The State rep.by
The Inspector of Police,
All Women Police Station,
Mannargudi, Thiruvarur District

(Crime No. 6 of 2023)

.. Respondent

Prayer: Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail pending investigation in Crime No.6 of 2023 on the file of the respondent police.

For petitioner : Mr. Swami Subramanian

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 03.05.2023, in connection with Crime No.6 of 2023 registered for the offences under Sections 7, 8 of POSCO Act and Section 506(i) of I.P.C, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the minor victim girl XXX, aged 17 years, is that her family members and the family members of the accused are known to each other for a long time and on a particular day, the victim girl along with her family members have gone to the house of the accused. While they were sleeping in the night, the accused had attempted to kidnap the victim girl and later when it was questioned by the family members of the accused, the petitioner had misbehaved with the minor victim girl, by inappropriately touching her breast. Hence the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given



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against him. He further submitted that admittedly, the family members of the petitioner and the family members of the minor victim girl are known to each other for a long time and there was financial dispute between them and when the family members of the petitioner had demanded the money from the family members of the victim girl, a false complaint has been given, as if, the petitioner has misbehaved with the victim girl, by inappropriately touching her breast. He further submitted that the petitioner, who is a married man, has two children and he has not misbehaved with the victim girl and a false complaint has been given. He further submitted that even as per the complaint, no specific date has been mentioned. He also submitted that the complaint was given on 20.04.2023 and the petitioner was arrested on 03.05.2023 and within a period of one month, the investigation has been completed and final report has also been filed in Spl.S.C.No.25 of 2023 before the learned Sessions Judge, Fast Track Mahila Court, Thiruvavarur. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (crl.side) appearing for the respondent Police submitted that the family members of the petitioner



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and the family members of the victim girl are known to each other for a long time and the petitioner has attempted to kidnap the victim girl and when it was questioned by the family members of the petitioner, the petitioner had misbehaved with the minor victim girl. He further submitted that the investigation has been completed and the final report has also been filed in Spl.S.C.No.25 of 2023 before the learned Sessions Judge, Fast Track Mahila Court, Thiruvavur. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate and perused the materials available on record including the Statement recorded from the victim girl under Section 164 Cr.P.C.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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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, Fast Track Mahila Court, Thiruvarur**, 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 report before the **Sessions Judge, Fast Track Mahila Court, Thiruvarur, on all working days 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;



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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.

01.06.2023

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To

- 1.The Sessions Judge,
Fast Track Mahila Court, Thiruvarur.
- 2.The Inspector of Police,
All Women Police Station,
Mannargudi, Thiruvarur District
- 3.The Superintendent, District Prison,
Nagapattinam.
- 4.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA,J.

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