



Crl.O.P.No.11999 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.06.2023

CORAM:

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

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Thangadurai

.. Petitioner

/versus/

The State rep.by
The Inspector of Police,
All women Police Station,
Kallakurichi

(Crime No.5 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.5 of 2023 on the file of the respondent police.

For petitioner : Mr.S.Suresh Kumar

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 for the offence punishable under Sections 294(b), 323, 341, 354(D)(1)(i) of IPC and Section 11(i) r/w 12 of POCSO Act 2012 , in Crime No.5 of 2023, 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 the accused is an auto driver and he is known to her mother and she got acquainted with the petitioner and she used to speak with him by phone quite often. On 17.03.2023, while she was travelling in a private bus, the accused had entered into the bus and quarrelled with the driver and later, pulled her from the bus, assaulted and harassed her, due to which, she consumed rat poison. 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. She further submitted that admittedly, there was a friendship between the petitioner and the defacto complainant for quite sometime and since it was questioned by the parents of the victim, she has attempted to commit



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suicide by consuming poison. Later on the instigation of her parents, a false complaint has been given, as if, the the petitioner has assaulted and harassed her. She also submitted that the petitioner is in custody from 19.03.2023 and the investigation has been completed and the final report has been filed in Spl.S.C.No.57 of 2023 before the Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Villupuram. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (crl.side) appearing for the respondent Police submitted that the petitioner had misbehaved with the victim girl, while she was travelling in a private bus and had also continuously harassed her, due to which, she consumed rat poison. He further submitted that the investigation has been completed and the final report has been filed in Spl.S.C.No.57 of 2023 before the Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Villupuram and the case now stands posted for appearance of the accused on 08.06.2023. Hence, he opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner



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submitted that the petitioner is ready to stay away from the jurisdictional limit of the respondent Police Station. Hence, he prayed for grant of bail to the petitioner.

6.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.

7.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.

8.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, (out of which, one surety should be either father or mother of the petitioner), each for a like sum to the



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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 report before the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Villupuram on all working days at 10.30 a.m., until further orders; However, it is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent police, 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



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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 court,
Special Court for Exclusive Trial of Cases under POCSO Act,
Villupuram
- 2.The Inspector of Police,
All women Police Station,
Kallakurichi
- 3.The Superintendent, Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court, Madras.

A.D.JAGADISH CHANDIRA,J.



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