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Crl.O.P.No.12664 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM

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

Crl.O.P.No.12664 of 2023

R.Srikandh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Muthupettai Police Station
Tiruvarur.

(Crime No.222 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.222 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.N.Palanivel

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 16.04.2023, in connection with Crime No.222 of 2023 registered for the offences punishable under Section 448 of IPC and Sections 11(i), 11 (iv), 12 of Protection of Children from Sexual Offences Act, 2012, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the accused had stalked and misbehaved with the minor victim girl, aged about 13 years and forcibly hugged her when she was in bathroom. Further, when the victim girl raised alarm, the accused ran away from her house. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, aged about 20 years and he has been falsely implicated in this case. He further submitted that the petitioner and the victim girl are known to each other from childhood and the parents of the victim girl suspecting that the petitioner was having an affair with their daughter has given a false complaint against the petitioner. He also submitted that the



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petitioner understands that the statement has been recorded from the victim girl under Section 164 Cr.P.C, wherein, there is no specific allegation of sexual assault against the petitioner. He also submitted that major part of the investigation is over and the petitioner is in custody from 16.04.2023. Hence, he prayed for grant of bail to the petitioner, stating that he is also ready to abide by any other stringent conditions that may be imposed by this Court.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner/accused had stalked the minor victim girl, aged about 13 years and the further allegation is that the accused had forcibly hugged her, when she was in bathroom. He further submitted that the statement has also been recorded from the minor victim girl under 164 Cr.P.C. However, he opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the statement recorded under 164 Cr.P.C from the victim girl.



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6. Taking into consideration the facts and circumstances of the case, 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 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** (out of which, one of the sureties should be either father or mother of the petitioner), each for a like sum to the satisfaction of the **learned Judicial Magistrate, Thiruthuraipoondi**, 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 Inspector of Police, C1, Flower Bazaar 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;



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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.

15.06.2023

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To

1. The Judicial Magistrate,
Thiruthuraipoondi.
2. The Inspector of Police,
Muthuppettai Police Station,
Tiruvarur.
3. The Sub Jail,
Thiruthuraipoondi.
4. The Inspector of Police,
C1, Flower Bazaar Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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