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Crl.O.P.No.12564 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.06.2023

CORAM:

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

Crl.O.P.No.12564 of 2023

Sadiyandi @ Pandiyan

... Petitioner

/versus/

State, Rep by:
The Inspector of Police,
All Women Police Station,
Central, Coimbatore City.
(Crime No.12 of 2023)

.. Respondent

Prayer: Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail, concerned in Crime No.12 of 2023 on the file of the respondent.

For petitioner : Mr.P.M.Jayachandran

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.05.2023, in connection with Crime No.12 of 2023



Crl.O.P.No.12564 of 2023

WEB COPY

registered for the offences under Sections 9(1), 9(n) r/w 10 of POCSO Act, 2012 and Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner, who is the father of the minor victim, had inappropriately touched her hip and left leg below knee, with a sexual intention. 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. He further submitted that there was a matrimonial dispute between the petitioner and his wife and on the instigation of his wife, the victim daughter had given a false complaint, as if, the petitioner had inappropriately touched her hip and left leg below knee. He also submitted that the petitioner is in custody from 04.05.2023. 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, who is the father of the



Crl.O.P.No.12564 of 2023

WEB COPY

minor victim, had inappropriately touched the victim in her hip and left leg below knee, with a sexual intent. He further submitted that the statement under Section 164 Cr.P.C has been recorded from the victim. He further submitted that there was a matrimonial dispute between the petitioner and his wife, on account of alcoholic habit of the petitioner. Hence, 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 from the victim under Section 164 Cr.P.C.

6. Taking into consideration the facts and circumstances of the case and 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.

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**



CrI.O.P.No.12564 of 2023

WEB COPY

Thousand only) with two sureties, each for a like sum to the satisfaction of the **learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore** 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 respondent Police 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;

[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



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CrI.O.P.No.12564 of 2023

FIR can be registered under Section 229A IPC.

07.06.2023

vk

To

- 1.The Principal Special Court for Exclusive Trial of Cases
under POCSO Act, Coimbatore
2. The Inspector of Police,
All Women Police Station,
Central, Coimbatore City.
- 3.The Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.

A.D.JAGADISH CHANDIRA,J.



WEB COPY



Crl.O.P.No.12564 of 2023

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Crl.O.P.No.12564 of 2023

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