



Crl.O.P.No.12835 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM

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

Crl.O.P.No.12835 of 2023

Srihari

... Petitioner

Vs.

State rep by
The Inspector of Police,
Sulur Police Station,
Coimbatore District.
Crime No.186 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail concerned in Crime No.186 of 2023
on the file of the respondent.

For Petitioner : Mr.C.Ramkumar

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



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 26.03.2023 for the offences punishable under Sections 3(a) r/w 4(2) of POCSO Act, 2012, in Crime No.186 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant/minor victim girl XXX is that she is aged 17 years and studying 11th standard. She had got acquaintance with the petitioner/accused through social media and that on 10.03.2023, the petitioner had taken her to his house when no one was in the house and committed penetrative sexual assault on her. After completing her examination on 20.03.2023, since the victim girl felt guilty, she disclosed the same to her mother on 25.03.2023 and thereafter, lodged a complaint before the respondent police on 26.03.2023.

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. He further submitted that the petitioner is aged 21 years and the victim is aged 17 years and they had got acquaintance through social media. On 10.03.2023, the petitioner had invited the victim girl to his house and during



such time, without understanding the consequences and rigours of the POCSO Act, he had consensual relationship with the victim girl. Later, since the victim girl felt guilty on the act, she has given a complaint against the petitioner. He further submitted that the major part of investigation is completed and the medical examination on both the parties has also been completed and that the petitioner has been suffering incarceration from 26.03.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) vehemently opposed for grant of bail to the petitioner stating that the petitioner got acquaintance with the defacto complainant/minor victim girl through social media and was befriended with her. While so, on 10.03.2023, he had taken her to his house and committed penetrative sexual assault on her. Later, the victim girl who felt guilty of the act, disclosed the same to her parents and thereafter, she lodged a complaint to the respondent police. He further submitted that the statement of the victim girl has been recorded under Section 164 Cr.P.C. and the major part of investigation has been completed.



5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR and the statement of the victim which has been recorded under Section 164 Cr.P.C.

6. Considering the facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant of 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 surety shall be the father or mother of the petitioner**, 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;



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[b] the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, every Saturday 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 petitioners 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.

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A.D.JAGADISH CHANDIRA,J.,

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To

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

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