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CrI.O.P.No.13124 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

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

CrI.O.P.No.13124 of 2023

Sai Krishna

... Petitioner

Vs.

The State represented by,
The Station House Officer,
Odiansalai Police Station
Puducherry.

(Crime No.73 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.73 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.C.Mohanraj

For Respondent : Mr.M.V.Ramachandara Murthy
Additional Public Prosecutor (Puducherry)
Assisted by,
Mr.A.Alexander
Government Advocate (CrI.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.04.2023, in connection with Crime No.73 of 2023 registered for the offences punishable under Section 363 of IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Rajasekar is that his minor daughter, aged about 17 years, was found missing and he had received a call from Andhra Pradesh, thereby, he suspects that his daughter would have been kidnapped. Based on his complaint, a case in Crime No.73 of 2023 came to be registered for the offences punishable under Section 363 of IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012. During the course of investigation, it came to light, the accused had induced the victim and called her to his house in Tirupathi and had committed sexual assault on her. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this



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case. He further submitted that the petitioner and the victim girl got acquainted through the live you tube chat and they became friends and since the parents of the victim girl had reprimanded her, she had come to the house of the petitioner in Tirupathi. He also submitted that taking note of the age of the victim, the petitioner's mother had insisted her to stay in her house, meanwhile, the respondent had reached there and secured the victim girl. He also submitted that the petitioner understands that the statement has been recorded from the victim girl under Section 164 Cr.P.C, wherein, the victim has stated that she, on her own volition had gone to the petitioner's house and the petitioner had not committed any sexual assault on her. He also submitted that major part of the investigation is over and the petitioner is in custody from 14.04.2023. 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 had induced the minor victim girl, aged about 17 years, through live you tube chat and invited her to his native at Tirupathi, where, he had committed sexual assault on her. He



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further submitted that the statement has also been recorded from the minor victim girl under 164 Cr.P.C. However, he fairly conceded that there is no allegation of sexual assault as against the petitioner in the statement recorded from the victim girl. 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.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the fact that the victim girl has not made any allegations of sexual assault as against 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.

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)**



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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 Sessions Judge, Fast Track Court (POCSO Act), Puducherry**, 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 Karaikal and report before the Inspector of Police, Karaikal Town Police Station, everyday at 10.30 a.m., for a period of one week and thereafter, as and when required for interrogation;

[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]***;



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A.D.JAGADISH CHANDIRA.,J.

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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

13.06.2023

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To

1. The Sessions Judge,
Fast Track Court (POCSO Act),
Puducherry.
2. The Station House Officer,
Odiansalai Police Station,
Puducherry.
3. The Central Prison,
Puducherry.
4. The Inspector of Police,
Karaikal Town Police Station,
Karaikal.
5. The Public Prosecutor (Puduchery)
High Court of Madras.

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