



Crl.O.P.No.13213 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

CORAM

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

Crl.O.P.No.13213 of 2023

Balasundaram

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
Tindivanam – All Women Police Station (AWPS),
Villupuram District
(Crime No.15 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail concerned in Crime No.15 of 2023 on
the file of the respondent.

For Petitioner : Mr.E.Sathiyaraj

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 06.05.2023 for the offences punishable under **Section 452, 342, 323, 506(i) of IPC r/w Sections 11(4), 12 of POCSO Act** in Crime No.15 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Manjula is that the petitioner had proposed love to her minor daughter and stalked her and also harassed her. When her daughter informed the same to her, she initially made a oral complaint at Mylam Police Station. Subsequently, they enquired the petitioner obtained an undertaking from him. While so, on 06.05.2023, when the daughter of the defacto complainant was alone at home, the petitioner trespassed into her house and threatened her and also slapped on her left cheek. Hence, the case.

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 on account of previous enmity. Even as per the complaint, the allegation against the petitioner is that he had only proposed love to the victim girl and later, on 06.05.2023, he had trespassed in to the house of the victim girl,



threatened her and slapped on her cheek. Other than that there is no other allegation against the petitioner. He would submit that the petitioner has been languishing in jail for more than one month from 06.05.2023 and he is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that the petitioner had stalked and proposed love to the minor daughter of the defacto complainant. Hence, the defacto complainant made a oral complaint at Mylam police station due to which, the petitioner trespassed into the house of the victim girl when she was alone at home and threatened her and also slapped on her cheek.

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.

6. Considering 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 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**, each for a like sum to the satisfaction of the **learned 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 stay at Chennai and report before the Inspector of Police, North Beach 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 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.

14.06.2023

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To

1. The Special Court for Exclusive Trial of Cases
Under POCSO Act, Villupuram.
2. The Inspector of Police,
Tindivanam – All Women Police Station (AWPS),
Villupuram District
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.

Copy to:

The Inspector of Police
North Beach Police Station, Chennai



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A.D.JAGADISH CHANDIRA,J.,

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