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Crl.O.P.No.13729 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.06.2023

CORAM:

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

Crl.O.P.No.13729 of 2023

Karupaiya

... Petitioner

/versus/

State rep.by

The Inspector of Police,
All Women Police Station,
Nannilam, Thiruvarur District.
(Crime No.18 of 2022)

... Respondent.

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail in Spl.SC.No.56 of 2022 pending on the file of the learned Sessions Judge, Fast Track Mahila Court, Thiruvarur.

For petitioner : Mr.P.Muthamizh Selvakumar

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



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 04.07.2022, in connection with Crime No.18 of 2022 registered under Section 3(a), 4 of Protection of Children from Sexual Harassment Act -2012, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that the accused had improperly touched the genitals of her minor daughter who is aged about 10 years. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to domestic quarrel between both families, a false complaint has been given. He further submitted that the petitioner is in custody from 04.07.2022 and investigation has been completed and the case has been taken on file in Spl.SC.No.56 of 2022 on the file of the learned Sessions Judge, Fast Track Mahila Court, Thiruvavarur. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent Police submitted that the petitioner is the neighbour of the victim girl's family and he had improperly touched the genitals of the



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victim child aged about 10 years. He would further submit that statement of the victim girl under Section 164 of Cr.P.C has been recorded. 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.

6. Taking into consideration 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 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 Sessions Judge, Fast Track Mahila Court, Thiruvavur** 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 learned Sessions Judge, Fast Track Mahila Court, Thiruvuru at 10.30 a.m., on all working days until further orders;

[c] the petitioner shall not enter into the jurisdictional limits of the respondent police until further orders:

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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]*;

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

Vv

21.06.2023

To



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1. The Sessions Judge, Fast Track Mahila Court,
Thiruvavarur

2. The Inspector of Police,
All Women Police Station,
Nannilam, Thiruvavarur District.

3. The Central Prison,
Trichy.

4. The Public Prosecutor,
High Court, Madras.

A.D.JAGADISH CHANDIRA,J.



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