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Crl.O.P.No.15667 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.15667 of 2023

P.Dharmadurai

...Petitioner

Vs.

The State Represented by,
The Inspector of Police,
All Women Police Station,
Perambalur,
Perambalur District.
(Crime No.22 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to pass an order releasing the petitioner on bail in Crime No.22 of 2023 pending investigation on the file of the respondent.

For Petitioner : Mr.T.Velu

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.04.2023 for the offences punishable under Sections 5(1), 6, 21(1) of POCSO Act 2012 and 323 and 506(i) IPC in Crime No.22 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in Crime No.22 of 2023 for the offences under Sections 5(1), 6, 21(1) of POCSO Act 2012 and 323 and 506(i) IPC. He further submitted that, petitioner is innocent and he is falsely implicated in this case. Petitioner is in judicial custody from 23.04.2023. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) oppose this petition, on the ground that, A1 has had aggravated sexual assault against the victim girl. When it was informed to A2, who is the father of the victim girl, did not take any action, but beaten the victim girl, stating that, A1 would not act like that. A3 is the uncle of the victim girl. Therefore, he prays for dismissal of this bail petition.



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4. Considered the submissions and perused the records.

5.1. From the statement recorded under Section 164 Cr.P.C from the victim girl, victim girl had stated that, A1 sexually abused her. She has not stated anything about this petitioner indulging in sexual offence against her.

5.2. Considering the fact that, there is no incriminating materials available against the petitioner and that petitioner is in judicial custody from 23.04.2023 and that the material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner and the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Sessions Judge, Mahila Court, Perambalur** 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



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Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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G.CHANDRASEKHARAN. J.

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