



Crl.OP.No.15191 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.07.2023

CORAM

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

Crl.OP.No.15191 of 2023

Anbuselvan

..Petitioner

Vs.

The State Rep by
The Inspector of Police,
Nedungadu Police Station,
Karaikal,
Puducherry.
(Crime No.19 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Spl.S.C.No.4 of
2023 on the file of the learned District and Sessions Judge, Karaikal.

For Petitioner : Mr.S.N.Arun Kumar

For Respondent : Mr.K.S.Krishna Murthy
Public Prosecutor (Pondichery)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.04.2023 for the offence punishable under Section 8 of POCSO Act, 2012 in Crime No.19 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner was tenant under the defacto-complainant. With a view to evict him, a false complaint was given using the defacto-complainant's daughter alleging sexual assault. Petitioner is in judicial custody from 17.04.2023. Therefore, he prays for grant of bail to the petitioner.

3.In response, the learned Public Prosecutor (Pondichery) submitted that petitioner had committed sexual assault against the victim girl at about 07.00 p.m on 09.04.2023. The victim girl had given 164 Cr.P.C. statement reiterating the allegations of sexual assault, wherein, it is said that petitioner had pressed the left chest of victim girl and kissed her. Investigation in this case is over and final report is filed.



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4.Considered the rival submissions and perused the records.

5.Considering the allegations made against the petitioner that he had committed sexual assault against the defacto-complainant's daughter and that now the investigation in this case is completed and final report is filed and having regard to the period of judicial custody, this Court is inclined to grant bail to the petitioner.

6. Accordingly, 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 District and Sessions Judge, Karaikal**, 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 report before the



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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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To

1.District and Sessions Judge, Karaikal.

2.The Inspector of Police,
Nedungadu Police Station,
Karaikal,
Puducherry.

3.Central Prison,
Kalapet, Puducherry.

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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