



Crl.O.P.No.15219 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM

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

Crl.O.P.No.15219 of 2023

1.Balu @ Stalin

2.Chelladurai @ Chellam

...Petitioners

Vs.

State Rep. by
The Inspector of Police,
Kandachipuram Police Station,
Villupuram.
(Crime No.167/2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to release the petitioners on bail in Crime No.167 of 2023 on the file of the respondent police.

For Petitioners : Mr.G.Saravanabhavan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 03.06.2023 for the offences punishable under Section 354C, 354A, 323 of IPC, 7 read with 8 of POCSO Act read with 4 of TNPWH Act in Crime No.167 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioners submitted that, petitioners are falsely implicated in the case in Crime No.167 of 2023 registered for the offence under Section 354C, 354A, 323 of IPC, 7 read with 8 of POCSO Act read with 4 of TNPWH Act. Petitioners are in judicial custody from 03.06.2023. Thus, he prays for grant of bail.

3. In response, the learned Additional Public Prosecutor submitted that, on 01.06.2023, at about 8.30 p.m., the *de-facto* complainant's two daughters had gone to nature call. At that time, Balu and Chellam using torch light tried to misbehave with them. When *de-facto* complainant's daughters scolded them, they had hit them. Therefore, *de-facto* complainant's elder daughter consumed sleeping tablets on 02.06.2023 and attempted to commit suicide. The 164 Cr.P.C.



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statement of the both girls were also recorded.

4. It is seen from the 164 Cr.P.C. statement of the victim girl i.e., elder daughter of the *de-facto* complainant that, accused in this case had scolded them in filthy language, put their hands on her chest, they made a call to someone and 10 persons came to that spot. Accused Balu and Chellam torn their clothes. One among the 10 persons took the video of the incident. They also hit them with chappal and attacked them. They circulated the video.

5. When the matter came up for hearing on 24.07.2023, this Court directed the Additional Public Prosecutor to produce the video alleged to have been taken by the accused in this case.

6. When the matter is taken up today, it is informed by the learned Additional Public Prosecutor, on instructions given by Mr.Kandan, SSI, that no such video is available.

7. In the said circumstances, considering the fact that petitioner are in judicial custody from 03.06.2023 and that substantial part of investigation might have been completed by this time, this Court is inclined to grant bail to the petitioners. Petitioners are ordered to be



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released on bail on their executing a separate 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, 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 petitioners shall report before the respondent police daily at 10.30.a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners 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].



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

31.07.2023

mpl

To

- 1.The Sessions Judge,
Special Court for Exclusive Trail of cases under
POCSO Act, Villupuram.
- 2.Sub Jail, Vedampattu.
- 3.The Inspector of Police,
Kandachipuram Police Station,
Villupuram.
- 4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

mpl

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