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CrI.OP.No.15850 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.07.2023

CORAM

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

CrI.OP.No.15850 of 2023

T.Sathish Kumar

...Petitioner

Vs.

The State Rep by its
The Inspector of Police,
All Women Police Station Vellore,
Vellore District.
(Cr.No.07 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.07 of 2023 on the file of the respondent Police.

For Petitioner : Mr.M.Sathish Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.04.2023 for the offences punishable under Section 294 (b) and 506 (i) I.P.C., r/w Section 11(1) & 12 of POCSO Act, 2012 in Crime No.07



CrI.OP.No.15850 of 2023

of 2023 on the file of the respondent police, seeks bail.

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2.The learned counsel for the petitioner submitted that in a domestic dispute between the defacto-complainant, the wife of the petitioner had given a exaggerated false complaint against the petitioner. He is in judicial custody from 29.04.2023. Therefore, he prays for grant of bail to the petitioner.

3.In response, the learned Government Advocate (Criminal Side) submitted that petitioner had shown his private part to his daughter who was aged 15 years and asked her to suck it. Investigation is almost completed and final report would be filed soon.

4.Considered the rival submissions and perused the records.

5.It is seen from the First Information Report allegations that there was a frequent quarrel between the defacto-complainant and the petitioner. On 25.04.2023, at about 10.30 a.m. petitioner under the influence of alcohol, started to fight with defacto-complainant. When the



Crl.OP.No.15850 of 2023

victim girl asked the petitioner, why he was fighting with defacto-complainant, the petitioner said to have showed his private part and asked her to suck. This allegation is corroborated by victim girl in her Section 164 Cr.P.C. statement.

6.Considering the nature of allegations and the fact that petitioner is in judicial custody from 29.04.2023, and that investigation in this case is completed, this Court is inclined to grant bail to the petitioner with 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 the Special Judge for Exclusive Trial of cases under POCSO Act, 2012, Vellore, Vellore District** 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



CrI.OP.No.15850 of 2023

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.

18.07.2023

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CrI.OP.No.15850 of 2023

To

- 1.The Special Judge for Exclusive Trial
of cases under POCSO Act, 2012, Vellore,
Vellore District.
- 2.The Inspector of Police,
All Women Police Station Vellore,
Vellore District.
- 3.Central Prison, Vellore, Vellore District.
- 4.The Public Prosecutor,
High Court of Madras



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Crl.OP.No.15850 of 2023

G.CHANDRASEKHARAN. J.

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Crl.OP.No.15850 of 2023



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CrI.OP.No.15850 of 2023

18.07.2023