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Crl.OP.No.15938 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.07.2023

CORAM

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

Crl.OP.No.15938 of 2023

Kalidhasan

..Petitioner

Vs.

The State Rep. By
The Inspector of Police,
All Women Police Station,
Tiruvarur,
Tiruvarur District.
Crime No.20 of 2023

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with the case in Crime No.20 of 2023 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.D.Lakshmipathy

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 22.06.2023 for the offences punishable under Sections 447 of IPC and Section 8 and 7 of Protection of Children from Sexual Offences Act, 2012 (POCSO) on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, defacto complainant's brother one Arun is the friend of the petitioner. Petitioner used to visit the house of the defacto complainant to meet Arun. On 21.06.2023, petitioner visited the house of the defacto complainant, for which, one Mugesh, who is the cousin of the defacto complainant had questioned the petitioner's visit to his house. Petitioner belongs to different caste. Therefore, false complaint was given. Petitioner is in Judicial Custody from 22.06.2023. Thus, he seeks bail to the petitioner.

3. In response, the learned Government Advocate (Crl. Side) submitted that, petitioner tried to enter into the house of the defacto complainant with an ill motive to commit sexual assault on the defacto



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complainant. However, defacto complainant pushed him and thereafter defacto complainant's cousin came there and on seeing him, petitioner escaped from there. He further submitted that, investigation in this case is completed.

4. The perusal of the statement of the defacto complainant/victim girl recorded under Section 164 of Cr.P.C shows that, petitioner had entered into the house of the defaco complainant and locked the door. Meanwhile, her cousin came in. On seeing him, petitioner pushed him and escaped from the scene.

5. Considering the nature, facts and circumstance of the case and the petitioner is in Judicial Custody from 22.06.2023 and that substantial part of the investigation might have been completed by this time, 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



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thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned Sessions Judge, Fast Track Mahila Court, Tiruvarur** 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 appear 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



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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.

19.07.2023

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To

1. Sessions Judge, Fast Track Mahila Court,
Tiruvarur.
2. The Inspector of Police,
All Women Police Station,
Tiruvarur,
Tiruvarur District.
3. District Prison,
Nagapattinam.
4. The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.

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