



Crl.O.P.No.16772 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

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

Crl.O.P.No.16772 of 2023

Kaleeshwaran @ Sokkan

...Petitioner

Vs.

The State represented by
The Inspector of Police,
All Women Police Station,
Perur, Coimbatore District.
Crime No.7 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Spl.S.C.No.60 of 2023 on the file of the Principal Special Court for exclusive trial of cases under POCSO Act, Coimbatore.

For Petitioner : Mr.C.Munusamy

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.03.2023 for the offences punishable under Sections 7 r/w 8 of POCSO Act, 2012 and Section 451 IPC in Crime No.7 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is implicated as an accused in Crime No.7 of 2023 for the offences under Sections 7 r/w 8 of POCSO Act, 2012 and Section 451 IPC. Petitioner is in judicial custody from 28.03.2023. Petitioner is innocent. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor, opposes this petition, on the ground that, petitioner is the friend of victim girl's father. On the date of the incident, i.e., on 27.03.2023, petitioner sexually assaulted the victim girl. The investigation in this case is completed and final report is filed and taken on file in PRC.No.60 of 2023.



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4. When this Court questioned, as to whether, any aggravated sexual assault was committed against the victim girl and any medical examination was conducted, learned Additional Public Prosecutor, on instructions from Ms.K.Praveena, respondent police, submitted that, it is not the case of aggravated sexual assault and no medical examination was conducted.

5. Considering the nature of the incident and also that petitioner is in judicial custody from 28.03.2023 and that the case is now pending in PRC.No.60 of 2023, 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, Principal Special Court for exclusive trial of cases under POCSO Act, Coimbatore** and on further conditions that :-

[a] the sureties shall affix their photographs and
Left Thumb Impression in the surety bond and the



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Magistrate may obtain a copy of their Aadhar card or 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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To

1.The Sessions Judge, Principal Special Court for exclusive trial of cases under POCSO Act, Coimbatore.

2.The Central Prison,
Coimbatore.

3.The Inspector of Police,
All Women Police Station,
Perur, Coimbatore District.

4.The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN. J.



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