



CrI.OP.No.21725 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM

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

CrI.OP.No.21725 of 2023

Ramadoss

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
All Women Police Station,
Arakkonam,
Ranipet District.
(Crime 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 connection with the case in Crime No.07 of 2023 pending investigation on the file of the respondent Police.

For Petitioner : M/s.D.Dayalan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.08.2023 for the offences punishable under Sections 9(n), 10 of POCSO Act, 2012 and Section 323 of IPC, 1860 in Crime No.07 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is the biological father of the defacto complainant/victim girl. Defacto complainant was not studying well and she failed in tenth standard public exam. Petitioner reprimanded the victim girl for failing in tenth standard public exam and scolded her to study well. There used to be frequent quarrel with the petitioner and his wife. At the instigation of the petitioner's wife, defacto complainant had given false complaint. Petitioner is in Judicial Custody from 02.08.2023. Thus, he seeks bail to the petitioner.

3. Learned Additional Public Prosecutor submitted that, as per the FIR allegations, it appears that, petitioner had committed sexual assault against the defacto complainant. The statement of the victim girl under



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Section 164 of Cr.P.C was recorded and the medical examination of the victim girl was also over.

4. The reading of the FIR allegations shows that, petitioner under the influence of alcohol, used to pick frequent quarrel with the defacto complainant's mother. Defacto complainant failed in Tenth Standard Public Exam and cleared in subsequent examination. On 31.07.2023, she was admitted in eleventh standard and petitioner directed her to study well. At about 08.00.p.m., in the same day, she was playing outside of her house. On hearing her father's bike approaching, defacto complainant get into the house. Petitioner, after reaching the house, pushed the defacto complainant's mother outside and locked the house. After some time, petitioner asked the defacto complainant to come and sleep inside the house. When she went inside the house, petitioner asked her as to why she was not studying well and started hitting her. Petitioner pulled her T-Shirt and rubbed his face against her breast. Defacto complainant pushed him. Petitioner pulled her hair and hit her. On hearing the noise, defacto complainant's mother and grandmother banged the door. Then, petitioner left her, opened the door and he went



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out.

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5. The reading the statement of the victim girl under Section 164 of Cr.P.C., shows that, petitioner had pulled the victim girl's T Shirt and told her to study well. As a result, defacto complainant suffered bruises on her neck. Petitioner tried to hit her by pulling her hair. Victim girl has stated nothing about the sexual assault or sexual harassment alleged to have been committed by the petitioner against her. In the said circumstances, considering the duration of the custody of the petitioner ie., from 02.08.2023 and the material part of the investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing 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 for Cases under POCSO Act, Vellore District** and on further conditions that :-



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[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 respondent Police daily at 10.00.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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G.CHANDRASEKHARAN. J.

Sma

To

1. Special Court for Exclusive trial for Cases under POCSO Act,
Vellore District
- 2.The Inspector of Police,
All Women Police Station,
Arakkonam,
Ranipet District.
3. Central Prison,
Vellore.
- 4.The Public Prosecutor,
High Court of Madras

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