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CRL.O.P.No.27 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRL.O.P.No.27 of 2023

B.Jegan

... Petitioner/Accused

Vs.

The Inspector of Police,
W-16, Pulianthope All Women Police Station,
Chennai.

(Crime No.16 of 2021)

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Spl.S.C.No.26 of 2022 on the file of the Sessions Judge Magalir Neethimandram, Allikulam Campus, Chennai, in Crime No.16 of 2021, on the file of W-16, Pulianthope All Women Police Station, Chennai.

For Petitioner : Mr.S.Mohanraj

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.05.2022 for the offences punishable under Sections 3(a) r/w Section 4 of



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POCSO Act, 2012 in crime No.16 of 2021 on the file of the respondent police,
seeks bail.

2. The case of the prosecution is that the *de-facto* complainant's second daughter aged about 17 years discontinued her studies and developed friendship with the petitioner, who is well acquainted with her family. He used to drop her in the textile shop where she was working. While being so, on 20.11.2021 at about 9.00 a.m., the victim girl called and asked the petitioner to drop her in the shop. On knowing the situation that the *de-facto* complainant and her husband were not in home, the petitioner had physically assaulted the victim, by which she sustained injuries on her private parts. Hence, the complaint.

3. The learned counsel for the petitioner would submit that this is the fifth bail petition filed before this Court and earlier bail petitions were dismissed by this Court. He would further submit that the petitioner is ready to abide by any condition imposed by this Court. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the



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the petitioner is aged about 38 years and he is already married and have two children. While being so, the petitioner had committed penetrative sexual assault on the minor victim girl, aged about 16 years. He further submitted that the respondent police has completed the investigation and filed final report in Spl.S.C.No.26 of 2022 on the file of the Sessions Judge (Magalir Neethimandram), Allikulam, Chennai. He also produced the statement recorded under Section 164 of Cr.P.C. He would further submit that earlier, this Court had dismissed four bail petitions filed by the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that now the prosecution had examined PW1 and PW2 and on perusal of evidence of PW1 and PW2 revealed that they were turned hostile witness.

6. Taking into consideration of the above facts and circumstances of the case and also the respondent police had completed the investigation and filed a final report and also taking note of the fact that the petitioner is in judicial custody from 24.05.2022, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his



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executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned

"Sessions Judge, Magalir Neethimandram, Allikulam Campus, Chennai,"

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 report before the respondent police daily at 10.30 a.m., and 5.30 p.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.

09.01.2023

Index : Yes / No



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Speaking / Non Speaking order

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To

1. The Sessions Judge, Magalir Neethimandram,
Allikulam Campus, Chennai.
2. The Inspector of Police,
W-16, Pulianthope All Women Police Station,
Chennai.
3. The Central Prison, Puzhal – II.
4. The Public Prosecutor
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.
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