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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.9465 of 2024

Ellaiyaraja

... Petitioner

Vs.

State Rep by.
SHO, T.R. Pattinam P.S.,
Police Station : SHO
T.R. Pattinam.
Crime No. 17 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in crime No. 17 of 2024 on the file
of the respondent police on the file of the Special Judge (FAC), Under the
POCSO Act, 2012, Karaikal.

For Petitioner : Mr.A.V.Somasundaram,
Senior counsel.



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for G.Ramadhevi
For Respondent : Mr.K.S.Mohandoss
Public Prosecutor Pondicherry.

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.03.2024 for the alleged offences punishable under Sections 10 and 12 of POCSO Act, 2012 **in crime No. 17 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner committed penetrative sexual assault against the victim girl who is aged about 15 years. Hence, the case.

3. The learned counsel for the petitioner submits the petitioner is land lord and the victim and her family members was residing under him as a tenant when he requested them to vacate the premises, the defacto complainant lodged a false complaint against the petitioner as if he abused the victim girl. He prays to grant bail to the petitioner with any conditions.

4. The learned Government Advocate raised strong objection to grant bail to the petitioner and also stated that the petitioner has committed



aggravated penetrative sexual assault against the victim and thereafter, the victim informed the same to her teacher. Subsequently, complaint was lodged.

5. On perusal of the FIR, it reveals that the petitioner had attempted to misbehaved with the victim girl and also touched her breast and shoulder. Considering the facts of the case, the investigation is almost completed and also the there is no bad antecedents against the petitioner. Hence, 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.10,000/- (Rupees Ten Thousand only)** with **two sureties (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned Special Judge (FAC), Under the POCSO Act, 2012, Karaikal**, 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 on every Saturday at 10.30 a.m. until further orders and shall not have any communication with the victim girl;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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T.V.THAMILSELVI,J.

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To

1. The **Special Judge (FAC), Under the POCSO Act, 2012, Karaikal.**
2. SHO, T.R. Pattinam P.S.,
Police Station : SHO
T.R. Pattinam.
3. The karaikal Jail.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.9465 of 2024

23.04.2024