



Crl.O.P.No.12149 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2024

CORAM

THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

Crl.O.P.No.12149 of 2024

Munusami
S/o.Mottaiyan

..Petitioner/Sole Accused
Vs.

The State rep by
the Inspector of Police,
All Women Police Station, Villupuram
(Crime No.14 of 2024)

...Respondent/Complainant

PRAYER: The Criminal Original Petition filed under Section 439 of the Criminal Procedure Code, 1973 praying to grant bail to the petitioner/sole accused in Crime No.14 of 2024 on the file of the respondent police.

For Petitioner : M/s.P.Sharmila

For Respondent : Mr.C.E.Prathap
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner on 14.05.2024 under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail.



Crl.O.P.No.12149 of 2024

WEB COPY

2. The petitioner/sole accused was arrested and remanded to judicial custody on 18.03.2024 for the alleged offences punishable under Sections 342, 506 (i) of IPC r/w.Sec.9(m), 9(l) & 10 of POCSO Act in Crime No.14 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner committed aggravated sexual assault against the will of the minor victim girl. Hence, the case.

4. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody since 18.03.2024. He, therefore, prayed to grant bail to the petitioner.

5. The learned Government Advocate (Criminal side) appearing for the respondent police submitted that the petitioner committed the offence of aggravated sexual assault on the minor victim girl aged about 10 years. Further, he submitted that the statement of victim u/s.164



CrI.O.P.No.12149 of 2024

WEB COPY

Cr.P.C is not recorded, the entire process will be completed within short period. He further submitted that if bail is granted to the petitioner, he will cause threat to the defacto complainant and the witnesses. Accordingly, the learned Government Advocate (Criminal side) strongly objected to the petition and prayed to dismiss the petition.

6. Heard both sides and perused the materials available on record.

7. The respondent police registered a case against the petitioner for the alleged offences under Section 342 & 506 (i) of IPC r/w. Sec.9(m), 9(l) & 10 of POCSO Act. In this case, the victim is about 10 years old. The petitioner was arrested and remanded to judicial custody on 18.03.2024. The statement of the victim girl under Section 164 of Cr.P.C is not recorded. The petitioner is incarcerated for the past 60 days. The petitioner has permanent residence and deep roots in society. Hence, there is less possibility of absconding.

8. Considering the above facts and the nature of the offence,



CrI.O.P.No.12149 of 2024

period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions.

(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) and furnish two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned **Sessions Judge, Special Court for Exclusive trial of Cases under POCSO Act, Villupuram.**

(ii) The petitioner shall appear and sign before the respondent police daily at 10.00 a.m., until further orders;

(iii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Special Court shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses;

(v) the petitioner shall not enter into the locality where the victim girl resides; and



Crl.O.P.No.12149 of 2024

WEB COPY

(vi) On breach of any of the aforementioned conditions, the learned Special Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

16.05.2024

Index : Yes/No
Internet : Yes/No
Neutral citation : Yes/No
tsh

Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**



CrI.O.P.No.12149 of 2024

To

WEB COPY

1. The Inspector of Police,
AWPS, Villupuram.
2. **The Sessions Judge, Special Court for Exclusive trial of Cases
under POCSO Act, Villupuram.**
3. The Superintendent, Central Prison, Cuddalore.
4. The Public Prosecutor, High Court of Madras.



WEB COPY



Crl.O.P.No.12149 of 2024

R.SAKTHIVEL. J.

tsh

Crl.O.P.No.12149 of 2024

16.05.2024