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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM

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

Crl.O.P.No.14253 of 2024

Ibrahim

... Petitioner

Vs.

State Rep by.
The Inspector of Police
W-15, AWPS, Royapuram,
Chennai - 600 013.
Crime No. 3 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge him on bail in Spl. SC. No. 171 of 2023 on the file of
Sessions Judge Special Court for Exclusive Trial of Cases under POCSO Act,
at Chennai - 104.

For Petitioner : Mr.P.Syed Abdul Mashood
For Respondent : Mr.V.Meganathan,
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.05.2024 for the alleged offences punishable under Sections Section 7, 8, 9(m), 9(n) r/w 10, 13r/w 14(4) of Protection of Children from Sexual Offences Act 2012 **in crime No. 3 of 2023** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the defacto complainant and petitioner is husband and wife and victim girl is their daughter. When defacto complainant went for work, the petitioner said to have pressed the breast of her daughter/ victim girl and kissed her on her cheeks. He also told the victim girl not to latch the door while taking bath also shown porn photographs to the victim girl. When the victim girl suffered fever, he used to remove her pants stating that he would reduce the temperature . Hence, the defacto complainant lodged the complaint.

3. The learned counsel for the petitioner submits that due to family dispute with her husband/petitioner the defacto complainant/wife lodged a false complaint. Hence, he prays to allow this petition. On the other side, the learned Government Advocate (Crl. side) submits that the petitioner attempted to misbehave with the victim girl. Hence, the mother of the victim



girl lodged a complaint. Further, he stated that statement of the victim girl has been recorded.

4. Heard both sides.

5. Taken into consideration of the period of incarceration undergone by the petitioner and also the statement of victim girl has been recorded wherein she stated that the petitioner has misbehave with her while he was in drunken mode. Further, the investigation has been completed and final report also filed. 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 Sessions Judge Special Court for Exclusive Trial of Cases Under POCSO Act, 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 Ranipet Town Police Station on every on alternative days at 10.30 a.m. for a period of three months 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 **Sessions Judge Special Court for Exclusive Trial of Cases Under POCSO Act, Chennai.**
2. TThe Inspector of Police
W-15, AWPS, Royapuram,
Chennai - 600 013.
3. The Puzhal - I, Chennai.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.14253 of 2024

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