



Crl.O.P.No.21801 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.21801 of 2024

Jaikumar

...Petitioner/Sole Accused

Vs.

State Rep.by,
The Inspector of Police,
All Women Police Station,
Gudiyattam,
Vellore District.
(Crime No.12/2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of the BNSS Act, 2023 praying to enlarge the petitioner on bail in Crime No.12 of 2024, on the file of respondent police.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)



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ORDER

The petitioner/sole accused, who was arrested and remanded to judicial custody on 10.05.2024 for the offences under Sections 7 and 8 of the Protection of Children from Sexual Offence Act, 2012 in Crime No.12 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/sole accused and the victim girl/daughter of the defacto complainant are neighbours; that when the victim girl was playing in the street, the petitioner took the victim girl into his tailoring shop and made inappropriate touches on her. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He also submitted that the petitioner has been in custody since 10.05.2024. He further submitted that the petitioner is a law-abiding citizen and he is ready to furnish substantial sureties for his due release on bail. Hence, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) for the respondent police submitted that the petitioner/sole accused and the victim girl/daughter of the defacto complainant are neighbours; that when the victim girl was playing in the street, the petitioner took the victim girl into his tailoring shop and made inappropriate touches on her. He further submitted that the investigation in this case has almost been completed; and that there are no previous cases pending against the petitioner. However, he vehemently opposed the grant of bail to the petitioner.

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

6. Considering the representation made by both sides, the nature of offences charged against the petitioner, that the investigation was already completed, the fact that no previous case is pending against the petitioner and also taking into consideration the period of incarceration undergone by the petitioner, 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 executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, each for a like sum to the satisfaction of the ***Special Court for Exclusive Trial of cases under POCSO Act, 2012, Vellore***, and on further conditions that:

[a] the petitioner shall report before the Special Court for Exclusive Trial of Cases under POCSO Act, 2012, at Vellore, on every Monday at 10.30 a.m., for a period of two months and thereafter, report before the respondent police as and when required for the interrogation;

[b] the petitioner shall attend in accordance with the conditions of the bond;

[c] the petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[e] the petitioner shall not abscond either during investigation or trial;



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[f] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

09.09.2024

dk

To

- 1.The Special Court for Exclusive Trial of cases
under POCSO Act, 2012
Vellore.
- 2.The Superintendent of Prison
Central Prison Vellore.
- 3.The Inspector of Police
All Women Police Station
Gudiyattam
Vellore District.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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