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Crl.O.P.No.22114 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.22114 of 2024

Pandi @ Sountharapandiyan

...Petitioner

Vs.

The State rep by
The Inspector of Police
AWPS Vandavasi Police Station,
Tiruvannamalai
(Crime No.01 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.01 of 2024 on the file of respondent police.

For Petitioner : Mr.B. Jawahar

For Respondent : Mrs.G.V. Kasthuri
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.07.2024 for the offences under Section 363,366 of I.P.C and 5(j) (ii), 6(1) of POCSO Act, 2012 in Crime No.01 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the victim girl went to attend the marriage function of her relative the petitioner took the victim girl in a two wheeler and sexually harassed 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 further submitted that the petitioner has been in custody since 13.07.2024 ; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.



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4. Learned Additional Public Prosecutor opposes the grant of bail to the petitioner by stating that statement under Section 164 Cr.P.C., has also been recorded from the victim girl, wherein, she had reiterated the contention of the 164 statement. She further submit that the petitioner has no previous case, pending against him.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record including the statement recorded from the victim girl under 164 Cr.P.C.

6. Considering the submissions of the learned counsel on either side, and considering the period of incarceration undergone by the petitioner, and taking note of the statement recorded from the victim girl under Section 164 Cr.P.C. and the petitioner has no previous case, pending against him, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



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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 under POCSO Act, Tiruvannamalai and on further conditions that:

[a] the petitioner shall report before the Special Court for exclusive trial of Cases under POCSO Act. Tiruvannamalai, on all working days at 10.30 a.m., until further orders, without fail.

[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;

[f] On breach of any of the aforesaid conditions, the



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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.

11.09.2024

smn

To

- 1.The Special Court under POCSO Act, Tiruvannamalai
2. The Inspector of Police
AWPS Vandavasi Police Station,
Tiruvannamalai.
- 3.The Superintendent of Prison,
Central Prison, Vellore
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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