



Crl.O.P.No.22980 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.22980 of 2024

Udhayan

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Kalavai Police Station,
Ranipet District
(Crime No.135 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.135 of 2024 on the file of respondent police.

For Petitioner : Mr.T.A. Narendar
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.07.2024 for the offence under Sections 87, 137(2), 65(2) of the BNS and Section 5(m) and 6(1) of POCSO Act, 2012, in Crime No.135 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/accused and the defacto complainant are neighbours; that the petitioner tried to misbehave with the daughter of the defacto complainant/victim girl by taking her behind the pump-set. 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 is aged about 64 years, that the victim girl is always having love and affection for the accused, and that the accused also treats the victim girl as his grand-daughter. He further submitted that the petitioner has been in custody since 06.07.2024; that the petitioner is a law-abiding citizen; and that the petitioner is ready to furnish



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substantial sureties for his due release on bail. Hence, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (CrI.Side) for the respondent police submitted that the petitioner/accused and the defacto complainant are neighbours; that the petitioner tried to misbehave with the daughter of the defacto complainant/victim girl. He also submitted that the statement of the victim as well as the defacto complainant were recorded under Section 164(5) of the Cr.P.C.; that the victim girl was subjected for medical examination; and that the investigation was almost completed. However, he strongly opposed granting bail to the petitioner.

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

6. Considering the representation made by both sides, that already the statement of the victim as well as the defacto complainant were recorded under Section 164(5) of the Cr.P.C., that already the victim girl was subjected for medical examination and also the report of the medical



examination, that the material part of the investigation was also completed 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 learned *Special Sessions Judge, POCSO Court at Vellore*, and on further conditions that:

[a] the petitioner shall report before the POCSO Court at Vellore, on every working day at 10.30 a.m. until further orders;

[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



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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 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.

19.09.2024

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To

1.The Special Sessions Judge, POCSO Court at Vellore.

2.The Central Prison, Vellore



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P.DHANABAL, J.

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3.The Inspector of Police,
Kalavai Police Station,
Ranipet District.

4.The Public Prosecutor,
High Court of Madras.

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