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CRL O.P. No.23330 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.09.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.23330 of 2024

1. Anantha Jyodhi S/o. Sevathapillai
2. Prakash S/o. Sevathapillai ... Petitioners /Accused

Vs

The Station House Officer,
Chidambaram Police Station. ... Respondent
[Cr. No.24 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to grant bail to the petitioner/Accused in Crime No.24 of 2024 on the file of the respondent police.

For Petitioners : Mr. S. Saravanakumar

For Respondent : Mr. S. Vinoth Kumar
Government Advocate (Criminal side)

ORDER

The petitioners/Accused, who were arrested and remanded to judicial custody on 16.08.2024 for the offences punishable under Section



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5(l), 5(n), 6 and 17 of POCSO Act in Crime No.24 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the 1st petitioner had sexual intercourse with her sister's grand daughter, who is aged about 13 years. Hence, the complaint.

3. The learned counsel for the petitioners would contend that the victim is none other than the daughter of the 2nd petitioner and the 1st petitioner is the younger brother of the 2nd petitioner, that the defacto complainant is the grand mother of the petitioners, that there is a family dispute pending between the parties, thereby she has lodged a false complaint, that as per the prosecution case, the 1st petitioner has committed penetrated sexual assault on the victim girl and the same was informed to the 2nd petitioner, but he has not take any steps, that in fact, only such offence has been committed by the petitioners, that the wife of the 2nd petitioner and the mother of the victim had committed suicide in the year 2014 and the male child is under the custody of the defacto



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complainant and the victim was under the custody of the 2nd petitioner, that the defacto complainant wanted the custody of the victim, but the 2nd petitioner refused to give custody of the victim, thereby there was an enmity between them and due to that enmity, now the defacto complainant has lodged this complaint with false averments, that these petitioners were arrested and remanded to judicial custody on 16.08.2024 and hence he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Criminal side) would submit that the offences are grave in nature, that the 2nd petitioner is none other than the biological father of the victim girl and the 1st petitioner is the paternal uncle of the victim, that investigation is at initial stage and as per the statement of the victim, there are prima facie materials available to constitute the offences and hence he strongly opposed to grant bail to the petitioners.

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



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6. Considering the rival submissions made on either side and considering the fact that the nature of allegations levelled against the 1st petitioner are serious in nature and investigation is at initial stage, I am not inclined to grant bail to the 1st petitioner, at this stage.

7. As far as the 2nd petitioner is concerned, considering the representations made on either side, considering the fact that the 2nd petitioner is none other than the father of the victim girl, that no any incriminating material is available as against the 2nd petitioner and the considering the period of incarceration of the 2nd petitioner, I am inclined to grant bail to the 2nd petitioner, subject to the following conditions:

[a] Accordingly, the 2nd petitioner is ordered to be released on bail on condition to execute 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 **Sessions Judge, Special Court for Exclusive trial of Cases under POCSO Act, Cuddalore** and on further conditions that:

[b] the 2nd petitioner shall report before the respondent police



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daily at 10.00 a.m. for a period of 30 days and thereafter as and when required for interrogation.

[c] the 2nd petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the 2nd petitioner shall not abscond either during investigation or trial;

[e] the 2nd 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;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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].

[g] If the accused thereafter absconds, a fresh FIR can be



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registered under Section 229A IPC.

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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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To

- 1.The Sessions Judge, Special Court for Exclusive trial of Cases under POCSO Act, Cuddalore.
- 2.The Public Prosecutor, Madras High Court, Chennai.
- 3.The Station House Officer, Chidambaram Police Station.
4. The Superintendent of Police, Central Prison, Cuddalore.

P.DHANABAL,J
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