



Crl.O.P.No.26733 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.26733 of 2024

Anantha Jyodhi

...Petitioner/Accused 1

Vs.

The Inspector of Police,
Chidambaram Police Station,
Cuddalore District.
in Crime No.24 of 2024

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in Cr.No. 24 of 2024 on the file of the respondent police.

For Petitioner : Mr. S.Saravanakumar

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



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ORDER

The petitioner, who was arrested on 16.08.2024 and remanded to judicial custody on the same day for the offences under Sections 5(1), 5(n), 6 and 17 of POCSO Act, in Crime No. 24 of 2024 on the file of the respondent police, seeks bail.

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

3. The learned counsel for the petitioners would submit 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/father, but he has not take any steps, that in fact, only such offence has been committed by the petitioner, that the wife of the 2nd petitioner and the mother of the victim had committed



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suicide in the year 2014 and the male child is under the custody of the defacto 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 petitioner was arrested and remanded to judicial custody on 16.08.2024 and hence he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) objected for granting bail to the petitioner stating that the first petitioner had sexual intercourse with her sister's grand daughter, who is aged about 13 years. He would further submit that the investigation has been completed and there is no previous case pending against the petitioner.

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



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6. Considering the submissions made on both sides, also considering the nature of offences charged against the petitioner and the investigation has been completed and also taking into consideration the period of incarceration undergone by the petitioner from 16.08.2024 and also the petitioner has no previous case and taking into consideration the relationship between the petitioner and the victim, this Court is inclined to grant bail to the petitioner with certain conditions:

[a]. 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 court of *Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore*, and on further conditions that:

[b] the petitioner shall report before POCSO Court, on all working days at 10.30 a.m., until further orders;



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

[d] The 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;

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

[f] 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 evidence;

[g] 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



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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

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

25.10.2024

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To

1. Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore.
2. Central Prison, Cuddalore.
3. The Inspector of Police, Chidambaram Police Station, Cuddalore District.
4. The Public Prosecutor, High Court of Madras.

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