



WEB COPY



Crl.O.P.No.28525 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.28525 of 2024

G.Dheena

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
AWPS Sirkali Police Station,
Mayiladuthurai District.

(Crime No.37 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act,
pleaded to enlarge the petitioner on bail in Crime No.37 of 2024 on the file of
the respondent police.

For Petitioner : Mr.S.Esakkimuthu

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner,
who was arrested and remanded to judicial custody on 18.09.2024, seeking
bail in Crime No.37 of 2024 registered for the offence under Sections 7 and 8
of POCSO Act, 2012.



Crl.O.P.No.28525 of 2024

2. The case of the prosecution is that the petitioner had sexually harassed the minor victim girl. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and a false complaint has been given against him. He further submitted that the petitioner and the victim girl are known to each other and the mother of the victim, suspecting that the petitioner was having love affair with her daughter, has instigated her daughter to lodge a false complaint. He further submitted that the statement of the victim under Section 183(5) BNSS has been recorded, wherein the victim has not made any allegations against the petitioner. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the petitioner had sexually harassed the minor victim girl. He further submitted that the statement of the victim under Section 183(5) of BNSS has been recorded.

5. Heard the learned counsel appearing for the petitioner and the



Crl.O.P.No.28525 of 2024

learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record including the statement of the victim recorded under Section 183(5) of BNSS.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner and that investigation has been completed, 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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **District and Sessions Judge, Mayiladuthurai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the POCSO Court, Mayiladuthurai, on all working days at 10.30 a.m., for a period of two weeks and thereafter,



WEB COPY



Crl.O.P.No.28525 of 2024

on the dates fixed by the Trial Judge.

[c] the petitioner shall not abscond during trial and shall co-operate for speedy disposal of the trial;

[d] the petitioner shall not tamper with evidence or witness during trial;

[e] 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 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]***;

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

14.11.2024

ata



Crl.O.P.No.28525 of 2024

To
WEB COPY

1. The District and Sessions Judge, Mayiladuthurai.
2. POCSO Court, Mayiladuthurai.
3. The Inspector of Police,
AWPS Sirkali Police Station,
Mayiladuthurai District.
4. District Prison, Nagapattinam.
5. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



WEB COPY



Crl.O.P.No.28525 of 2024

ata

Crl.O.P.No.28525 of 2024

14.11.2024