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Crl.O.P.No.29165 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM

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

Crl.O.P.No.29165 of 2024

Murasoli

... Petitioner/A1

Vs.

The State represented by,
The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District.
(Crime No.488 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail in Crime No.488 of 2024 on the file of the respondent police.

For Petitioner : Mr. S. Sivakumar

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

O R D E R

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 29.09.2024, seeking bail in Crime No.488 of 2024 registered for the offence under



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Sections 9(m), 10, 13, 14(2), 16 and 17 of POCSO Act, 2012 and Section 67A of Information Technology (Amendment) Act, 2008.

2. The case of the prosecution is that the petitioner/A1 and A2 had committed sexual harassment on the victim girl aged about 3 ½ years old and A3, who is none other than the mother of victim girl, got illicit intimacy with A1 and A2 and that she, in the presence of her minor victim girl, had indulged in immoral activities and had aided to take photograph of herself with the victim girl and hence, the case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and that a false complaint has been given by the defacto complainant on account of matrimonial dispute with his wife. He would further submit that even as per prosecution, the petitioner was alleged to have relationship with his wife and had committed sexual harassment on the victim girl and the A3 is none other than the biological mother of the victim and the custody of the child has also been taken by her husband. He would further submit that the petitioner has been in custody from 29.09.2024. Hence, he prayed for grant of bail to the



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petitioner.

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4. Learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is A1 and the defacto complainant and A3 got married in the year 2019 and out of their wedlock, they had 3 ½ years old child. While opposing for the grant of bail to the petitioner, he would submit that A3, who is the wife of the defacto complainant, had got illicit intimacy with A1 and A2 and that she, in the presence of her minor victim girl, had indulged in immoral activities and she has also used her daughter during video chats with her friends and that the friends of A3 also inappropriately touched the minor victim girl.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and the



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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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **Special Court for POCSO Act Cases, Coimbatore**, 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 stay at Attur and report before the Attur Town police daily at 10.30 a.m., until further orders.

[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



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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 of B.N.S.

21.11.2024

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To

- 1.The Special Court for POCSO Act Cases,
Coimbatore.
- 2.The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District.
- 3.The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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