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Crl.O.P.No.29958 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

CORAM

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

Crl.O.P.No. 29958 of 2024

Sagaya Eruthiyaraj

... Petitioner

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
Muthupettai.
(Crime No. 12 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending investigation in Crime No.12 of 2024 on the file of the respondent Police.

For Petitioner : Mr.S.Sekar

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

ORDER

Petition seeking bail in respect of Crime No.12 of 2024 registered for the offences punishable under Section 7 r/w Section 8 of POCSO Act is on board for consideration.



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2.The incarceration of the petitioner being from 21.10.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that due to family dispute a false complaint has been registered against the petitioner. He also submits that the petitioner is no way connected with the alleged offences and he is ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner had inappropriately touched the minor girl aged about 14 years and also misbehaved with her. He further submits that the statement under Section 164 of Cr.P.C., also recorded from the victim girl.

4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, including the statement of the victim girl recorded under Section 164 of Cr.P.C., this court is inclined to grant bail to the petitioner with certain conditions and 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 learned Sessions Judge, Fast Track Court, Tiruvarur, and on further conditions that:



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[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 Trichy and report before the Inspector of Police, Trichy Cantonment Police Station, everyday at 06.30 p.m., until further orders. It is made clear that the petitioner shall not enter the jurisdictional limits of the respondent police until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or 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 of B.N.S.



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A.D.JAGADISH CHANDIRA., J.

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To

1. The Sessions Judge,
Fast Track, Mahila Court, Tiruvarur.
2. The Inspector of Police,
All Women Police Station,
Muthupettai.
3. The Inspector of Police,
Trichy Cantonment Police Station
Trichy.
4. The Superintendent,
District Prison, Nagapattinam.
5. The Public Prosecutor,
High Court of Madras.

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