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Crl.O.P.No.30984 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

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

Crl.O.P.No.30984 of 2024

Irudaya Raj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
AWPS - Ennore Police Station,
Tiruvallur District.
(Crime No.24 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.24 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.D.Immanuel

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

ORDER

Petition seeking bail in respect of Crime No.24 of 2024 registered for the offences punishable under Sections 3 (a) read with section 4 (ii) of POCSO Act is on board for consideration.



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2. The incarceration of the petitioner being from 13.09.2024 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 further submits that due to family dispute, a false complaint has been lodged. He also submitted that the petitioner, without understanding the consequences of his actions, took the victim with him, during which they indulged in a physical relationship. He further submits that the charge sheet in this case has not been filed. He further submits that the petitioner 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 14 year old minor victim girl was sexually harassed by the petitioner. On 06.09.2024 at 11 pm when the minor victim girl was sleeping with her aunt, the petitioner had removed the minor victim girl's pantie and made improper touch on the private parts of the victim girl and thereby committed sexual assault on her. He further submit that the major part of the investigation is over and the statement of the victim girl under Section 183 of BNSS was also recorded.



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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, and taking note of the nature of allegation, 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 **District Mahila Judge, Fast Track Court, Thiruvallur**, 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 respondent Police daily at 10.30 a.m 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;



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[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.

12.12.2024

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To

1. The District Mahila Judge,
Fast Track Court, Thiruvallur.
2. The Inspector of Police,
AWPS - Ennore Police Station,
Tiruvallur District.
3. The Superintendent,
Central Prison,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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