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Crl.O.P.No.31819 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

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

Crl.O.P.No.31819 of 2024

Alavudeen

... Petitioner

Vs.

State Represented by
Inspector of Police
Erode All Women Police Station
in Crime No.19 of 2023

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner/accused on bail in Crime No.19 of 2023 under Sections 9(m)(n), r/w.10 of POCSO Act 2012, on the file of the Inspector of Police, Erode All Women Police Station, Erode.

For Petitioner : Mr.K.Santhoshkumar

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

ORDER

Petition seeking bail in respect of Crime No.19 of 2023 registered for the offences punishable under Sections 9(m)(n), r/w.10 of POCSO Act 2012, is on board for consideration.



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2.The incarceration of the petitioner being from 14.05.2024 pleading innocence on the part of the petitioner and false implication in the case, learned Legal Aid Counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner is in no way connected with the alleged offences, however, due to matrimonial dispute, a false complaint has been given against the petitioner. 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 petitioner, who is the Father of the minor victim girl, aged about 12 years, had misbehaved with her and inappropriately touched her private parts. He further submits that the statement under Section 183 of BNSS has also been recorded from the victim. He also submits that the charge sheet has also been filed in this case and it is yet to be taken on file.

4. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the the statement of the victim girl recorded under Section 183 of BNSS, and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner



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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 **Fast Track Mahila and Sessions Judge, Erode**, 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 appear before the learned **Fast Track Mahila and Sessions Judge, Erode** on all working days at 10.30 a.m., until further orders. It is made clear that the petitioner shall not enter into the jurisdictional limits where the victim girl is residing and he shall not contact the victim girl or her family members, ;

[c] the petitioner shall not abscond during 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***



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[(2005)AIR SCW 5560];

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

20.12.2024

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A.D.JAGADISH CHANDIRA, J.

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To

1.The Fast Track Mahila and Sessions Judge,
Erode

2.Inspector of Police
Erode All Women Police Station

3.The Superintendent,
Gobichettipalayam Prison.

4.The Public Prosecutor,
High Court of Madras.

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