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Crl.O.P.No.31671 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

CORAM

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

Crl.O.P.No.31671 of 2024

Jeenathkumar

... Petitioner

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 Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.488 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.B.Vasudevan

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

ORDER

Petition seeking bail in respect of Crime No.488 of 2024 registered for Girl Missing and later, altered into the offences punishable under Sections 9(m), 10, 13, 14(2), 16, 17 of Protection of Children from Sexual Offences Act, 2012 and Section 67A of the Information Technology Act and later, altered into



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Sections 9(m), 9(n), 9(l) r/w Sections 10, 13, 14(5), 16, 17 of POCSO Act and Section 67A of IT Act, is on board for consideration.

2. The case of the prosecution as per the defacto complainant, Ramesh Babu, is that he got married to one Durgalakshmi (A3) on 08.09.2019. Out of wedlock, they have one female child, aged about 3 ½ years. It is alleged that she developed illicit relationship with A1 and A2 and also indulged in immoral activities and had aided to take photograph of herself with her minor victim girl. The friends of A3, who are the accused A1 and A2, had also improperly touched the minor victim girl. The further allegation is that the petitioner, who is the brother of A3, had inappropriately touched the minor victim girl with sexual intent. Hence, the case.

3 The incarceration of the petitioner being from 04.12.2024 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 the petitioner, who is a maternal uncle of the victim child, has nothing to do with the alleged offence and due to matrimonial dispute, the de facto complainant had given a false complaint. He further submits that there is absolutely no allegations



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as against the petitioner in the FIR and the victim girl has not made any allegation about the petitioner in her further statement recorded during investigation. He also submits that in order to wreck vengeance, a false complaint has been lodged. He also submits that some of the co-accused have been released on bail by this Court in Crl.O.P.Nos.25864 & 29165 of 2024 vide orders dated 15.11.2024 and 21.11.2024 respectively and the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

4. 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 wife of the defacto complainant/A3 was having illicit affair with A1 and A2 and the petitioner, who is the brother of A3, had misbehaved with the defacto complainant's minor child, aged about 3 ½ years, by touching her inappropriately. He further submits that the minor victim girl is now in the custody of the de facto complainant and the statement under Section 183 of BNSS has also been recorded from her. He further submits that the investigation in this case is pending.

5. Having heard the learned counsel for the petitioner and the learned



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Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the statement recorded under Section 183 of BNSS from the minor victim girl and considering the period of incarceration undergone by the petitioner, 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 **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 (Salem District) and report before the Inspector of Police, Attur Police Station, on everyday 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;

[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



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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.

02.01.2025

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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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