

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.09.2020

CORAM :

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

CRL.O.P.No.12921 of 2020

Roghan  
S/o.Sakthi

... Petitioner/Accused

Vs.

The State represented by,  
The Inspector of Police,  
B7, Ramanathapuram Police Station,  
Coimbatore.  
(Crime No.1117/2020)

... Respondent/Defacto Complainant

**Prayer:** Criminal Original Petition filed under Section 439 Cr.P.C. to grant bail to the petitioner in Crime No.1117 of 2020, on the file of the respondent police.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. Side)

**ORDER**

**(The case has been heard through video conference)**

The petitioner who was arrested and remanded to judicial custody on 21.06.2020 for the offence punishable under Sections 376A and B, 506(ii) of IPC and 4, 5(m)(n)(1) and r/w Sections 6 & 11(3) and read with Section 12 of Protection of Children from Sexual Offences Act, in Crime No.1117 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution is that the petitioner who is a juvenile in conflict with law along with his friends who are also juvenile had committed penetrative sexual assault on the victim girl aged 11 years. The complaint was lodged by the father of the victim on 19.06.2020 and the petitioner was arrested on 20.06.2020.

3 The learned counsel appearing for the petitioner would submit that the petitioner is a juvenile in conflict with law. He would submit that the allegation against the petitioner is that he along with his friends committed penetrative sexual assault on the victim girl.

However, the medical evidence does not support the case of the prosecution. He would further submit that the other two accused have been granted bail and as on date, the victim and her family members have also vacated from their house and shifted to some other area. He would further submit that the petitioner has been suffering incarceration from 21.06.2020. Hence, he prays for grant of bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner who is a juvenile in conflict with law, committed penetrative sexual assault on the victim girl along with his friends. He would further submit that the other two juveniles have been enlarged on bail by the Juvenile Justice Board. He would further submit that the medical examination in respect of the accused as well as the victim girl have been completed and the statement of the victim girl has also been recorded under Section 164 Cr. P.C. and that the major part of investigation is over. However, he opposed for grant of bail to the petitioner.

5 Heard both sides and perused F.I.R. and the statement of the victim girl recorded under Section 164 Cr.P.C. as well as the medical report.

6 Taking into consideration the facts and circumstances and the submissions made by the learned counsels and the fact that the medical examination in respect of the victim girl as well as the petitioner has been completed and also considering the period of incarceration undergone by the petitioner from 21.06.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

**(a) Accordingly, the petitioner is ordered to be released on bail on condition that either the father or the mother of the petitioner along with yet another surety shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned Juvenile home, in which the petitioner has been confined.**

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

**(c) the petitioner shall report before the respondent police as and when required for interrogation.**

(d)the petitioner shall not commit any offences of similar nature;

(e)the petitioner shall not abscond either during investigation or trial;

(f)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g)On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

(h)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

**7. With the above directions, this Criminal Original Petition is ordered.**

सत्यमेव जयते

**15.09.2020**

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**A.D.JAGADISH CHANDIRA, J.**

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To

1.The Juvenile Justice Board, Coimbatore.

2.The Inspector of Police,  
B7, Ramanathapuram Police Station,  
Coimbatore.

3.The Superintendent  
Juvenile Home, Coimbatore.

4.The Public Prosecutor  
High Court of Madras, Chennai.



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