

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.1936 of 2021

Sabarinathan

... Petitioner

Vs.

The Inspector of Police,
All Women Police Station, (North)
Tiruppur.
Crime No.2510 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, praying to grant bail to the petitioner in connection with Crime No.2510 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr. M.Shreedhar

For Respondent : Mrs. M. Prabhavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 13.12.2020 for the offence punishable under Section 5 (j)(ii), 5(1) r/w. 6 of POCSO Act in Crime No.2510/2020, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the petitioner, who is a married man, has developed intimacy with the victim girl, aged about 17 years, and sexually assaulted her and thereby, she got pregnant and the foetus was aborted by the petitioner by giving abortion tablets and subsequently, refused to marry her. Thereafter, now only, the victim came to know that the petitioner is a married man and that apart, he is having intimacy with some other ladies. Hence the complaint came to be registered.

3. The learned counsel for the petitioner would submit that petitioner has not committed any offence as alleged by the prosecution. The petitioner and the victim loved each other. The petitioner is a married man, however, he has applied for divorce and the same is pending. He would further submit that the petitioner was under impression that the victim girl is a major and he is in jail for more than 80 days. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is a married person. On the false promise of marrying the victim girl, he had sexual intercourse with her and subsequently, refused to marry her. Now, investigation is completed and final report has been filed. Hence, she vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, and the fact that investigation is completed and final report has been filed and also taking note of the period of incarceration suffered by the petitioner, 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 to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judge, Magalir Nethimandram (Fast Track Mahila Court), Tirppur, and on further conditions that:

(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 daily at 10.30 a.m., until further orders;

(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 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];

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

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

-sd/-
03/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE MAGALIR NEETHIMANDRAM,
(FAST TRACK MAHILA COURT),
TIRUPPUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, (NORTH),
TIRUPPUR.

CC to M/S.M.SHREEDHAR Advocate on payment of necessary charges

CRL OP.1936/2021

Date :03/03/2021

MK:04/03/2021