

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2286 of 2021

Karuppasamy

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Anamalai Police Station,
Coimbatore District.
(Crime No.615 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.615 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. M.N.Balakrishnan

For Respondent : Mrs.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 27.11.2020 for the offence punishable under Section 366(A) of IPC and Section 5(1) r/w. 6 of POCSO Act in Crime No.615 of 2020, seeks bail.

2. The case of the prosecution is that the petitioner, who is a married man, said to have developed intimacy with the victim girl, aged about 16 years and sexually assaulted her on several times. Hence, a case has been registered against him.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner, who is a married man, sexually assaulted the minor girl, aged about 16 years without her consent. Now, investigation is almost completed and the statement of the victim under Section 164(5) of Cr.P.C. has also been recorded. However, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that 164(5) Cr.P.C. statement of the victim girl is recorded and also considering 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 Judicial Magistrate No.I, Pollachi, 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., for a period of two weeks and thereafter, 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 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/-

15/02/2021

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 JUDICIAL MAGISTRATE,
NO.I, POLLACHI

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANAMALAI POLICE STATION,
COIMBATORE DISTRICT

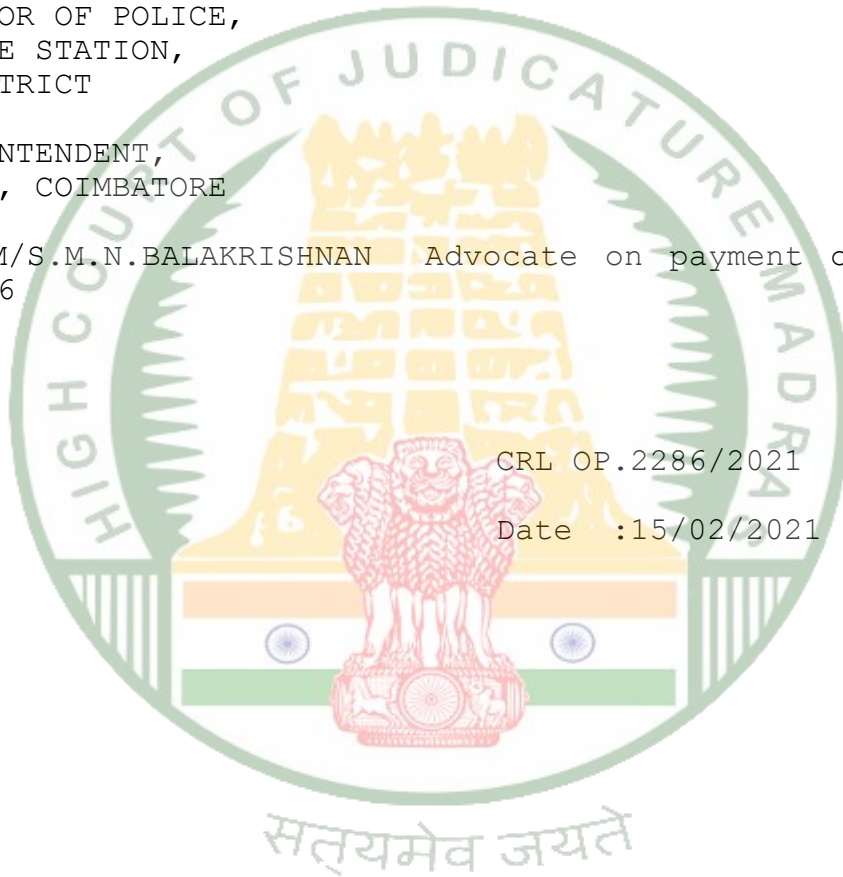
5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

CC to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary
charges Sr.1626

CRL OP.2286/2021

Date :15/02/2021

RVR 16/02/2021



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