

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.2494 of 2021

Dhanabal

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
All Women Police Station
Avinashi, Avinashi Taluk
Tiruppur District
(Crime No.8 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.8 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. D.Veerasekharan

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 18.12.2020 for the offences punishable under Section 353, 212, 506(ii) IPC and u/s.7 r/w u/s.8 of Protection of Children from Sexual Offences Act, 2012, in Crime No.8 of 2020, seeks bail.

2. The petitioner is the sole accused. The allegation is that the petitioner and the victim girl are working in a Baniyan company and the petitioner made a proposal to the victim girl and it was refused by her. Thereafter, on one morning, the petitioner waylaid the victim girl and also pulled her hand and kissed her. Hence, the present complaint has been filed. The petitioner was arrested on 18.12.2020.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that due to previous enmity between the petitioner and his employer, the petitioner was attacked by the employer and a complaint has been given against the employer. As a retaliation, the employer instigated the de-facto complainant to give a false complaint against the petitioner. He would further submit that the petitioner has been in judicial custody since 18.12.2020 and investigation is also completed. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor would submit that the victim is a minor girl, who is the co-employee of the petitioner. The allegation is that the petitioner made a proposal to the victim girl and it was refused by her. Subsequently, on 21.11.2020, the petitioner pulled the hand of the victim girl and kissed her. Hence, the complaint has been lodged and the petitioner was arrested on 18.12.2020. She opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also the allegations made in the FIR and the statement recorded from the victim girl under Section 164 of Cr.P.C, and also 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 his executing 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 Magalir Neethimandram Court, Tiruppur, 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, on his release from prison, shall appear before the Magalir Neethimandram Court, Tiruppur, on all working days for a period of two weeks.

(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.

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

-sd/-
12/02/2021

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 MAGALIR NEETHIMANDRAM COURT,
TIRUPPUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AVINASHI, AVINASHI TALUK,
TIRUPPUR DISTRICT

+1CC to M/S.D.VEERASEKHARAN Advocate on payment of necessary charges SR NO.1546

CRL OP.2494/2021

Date :12/02/2021

MK:15/02/2021