

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.7199 of 2020

Rakesh

... Petitioner

Vs.

State rep. by

The Inspector of Police,

R-4 Soundarapandiyanar Angadi Police Station,
Chennai.

(Crime No.65 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.65 of 2020 on the file of Respondent police.

For Petitioner : Mr.E.Sathyaraj

For Respondent : Mr.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 13.03.2020 for the offence punishable under Sections 366A of I.P.C. r/w Section 6 of Protection of Children from Sexual Offence Act, 2012 in Crime No.65 of 2020 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the victim girl is a minor, 17 years old. The petitioner, who was in love with a minor girl, kidnapped her and sexually assaulted her. Hence, based on the complaint given by the mother of victim girl, a criminal case has been registered against the petitioner. Earlier, the petitioner was arrested on 13.03.2020 and subsequently, this Court has granted interim bail on 29.04.2020 and now for further orders, the matter is listed for hearing.

3. Today, when the matter taken up for hearing, the learned Additional Public Prosecutor appearing for the respondent would submit that now the investigation is over and they are going to file a final report.

4. Taking into consideration of the fact that the petitioner was on interim bail for more than one year, now, the investigation is almost completed, and they are going to file a final report, 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 Sessions Judge (Mahila Court), Chennai 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, after his release from prison, 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 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.

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

-sd/-
16/03/2021

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 SESSIONS JUDGE (MAHILA COURT),
CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
R-4, SOUNDARAPANDIYAR ANGADI POLICE STATION,
CHENNAI.

+1CC to SATHIYARAJ E. Advocate on payment of necessary
charges SR NO.3477

सत्यमेव जयते CRL OP.7199/2020

Date :16/03/2021

MK:17/03/2021

WEB COPY