

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Date : 12.05.2021

PRESENT

THE HON`BLE MR.JUSTICE G.CHANDRASEKHARAN

CRL OP. No.9024 of 2021

Ponraj

... Petitioner/Sole Accused

Vs

State by

The Inspector of Police,
All Women Police Station (AWPS)
Udumalpet,
Tiruppur District.
Crime No.2 of 2021

... Respondent/Complainant

For Petitioner : Mr.K.T.S.Sivakumar

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- To enlarge the Petitioner/Sole Accused on bail pending investigation in Crime No.2 of 2021 on the file of the Respondent Police.

ORDER

The petitioner, who was arrested on 08.04.2021 for the offences punishable under Sections 5(I) r/w 6, 5(j)(ii) r/w 6 of Protection of Children from Sexual Offence Act, 2012 in Crime No.2 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is charged for the offence for having sexual assault against the victim girl who was aged 14 years.

3.The learned counsel for the petitioner submitted that there was love affair between the petitioner and the victim girl and he is in judicial custody from 08.04.2021. He preferred to abide by any condition and seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent strongly opposes the petition on the ground that DNA test is yet to be conducted and the victim girl is now pregnant.

5. Taking note of the facts and circumstances of the case and also the submission of the petitioner that due to love affair, there was the alleged penetrative sexual assault and the fact that the medical examination on the victim and the petitioner is over, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on condition that the petitioner should co-operate with the Investigating Agency for DNA test if any required by the Investigating Agency and other tests and on 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 learned Magalir Neethimandram Tiruppur/II Additional District and Sessions Judge, (Fast Track Mahila Court) Tiruppur and on further condition that:

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

b) the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

c) the petitioner shall not abscond either during investigation or trial.

d) the petitioner shall not tamper with evidence or witness either during investigation or trial.

e) On breach of any of the aforesaid conditions, the learned 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].

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

-sd/-

12/05/2021

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, TIRUPPUR/
II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
(FAST TRACK MAHILA COURT), TIRUPPUR.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION(AWPS),
UDUMALPET, TIRUPPUR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

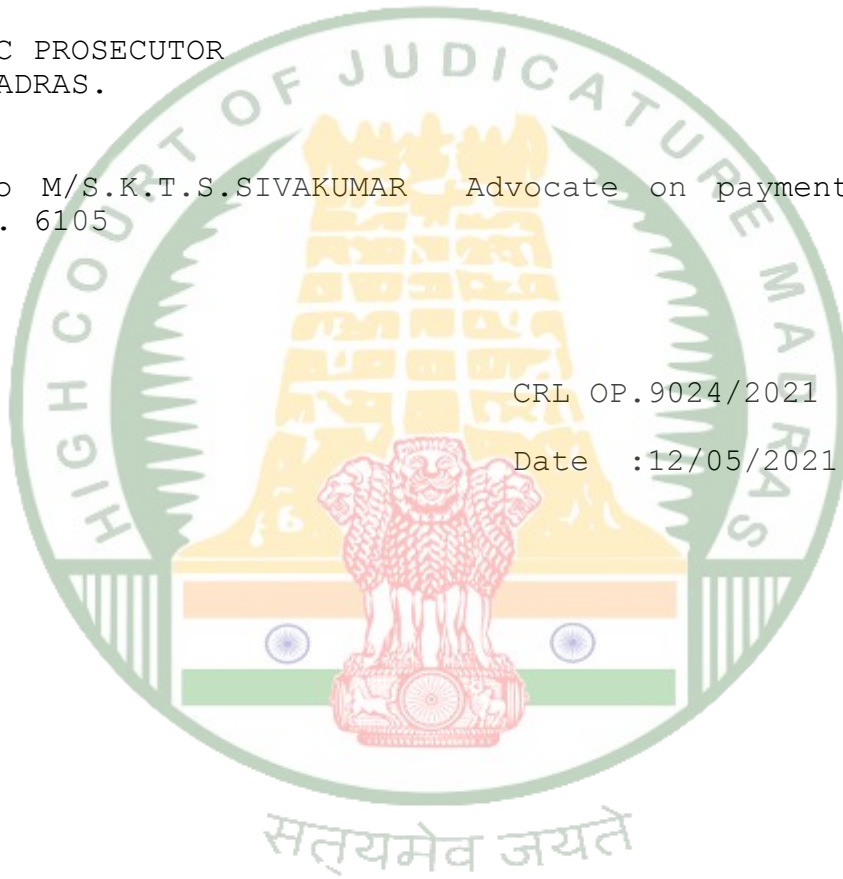
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.T.S.SIVAKUMAR Advocate on payment of necessary
charges SR.NO. 6105

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Date :12/05/2021

MN-13/05/2021



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