

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.05.2021

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CRL.OP.No.9157 of 2021

Pramoth Kuttan

.. Petitioner

Versus

The State,
Rep., by The Inspector of Police,
Kovilpalayam Police Station, Coimbatore District.
(Crime No.129 of 2021)

.. Respondent

Prayer:-Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in Crime No.129 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.M.Vijaya Raghavan

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

ORDER

The petitioner, who was remanded to Judicial custody on 14.03.2021 for the offences punishable under Sections 3, 4, 5(1) and 5(j)(ii) read with Section 6 of POCSO Act, 2012 in Crime No.192 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant and the petitioner were in love and as a result, they had sexual relationship. The complaint was given by the father of the victim girl.

3.The learned counsel appearing for the petitioner submitted that the petitioner is in judicial custody from 14.03.2021 and he is an innocent and prays for release of the petitioner on bail.

4.The learned Additional Public Prosecutor opposes this petition on the ground that the victim girl delivered a born dead child and he also submitted that medical examination is over and 164 Cr.P.C. statement of the victim girl was also recorded and this case has been transferred to All Women Police Station, Ooty on the point of jurisdiction.

5. Taking note of the facts and circumstances of the case and the fact that the petitioner and the victim girl were said to have been in love with other and that the fact that medical examination is over and 164 Cr.P.C. statement of the victim girl was recorded and that the petitioner is in judicial custody from 14.03.2021, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on each of them 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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore, 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 Inspector, All Women Police Station, Ooty 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/-

13/05/2021

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 SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, COIMBATORE.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, OOTY

3 THE INSPECTOR OF POLICE,
KOVILPALAYAM POLICE STATION,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

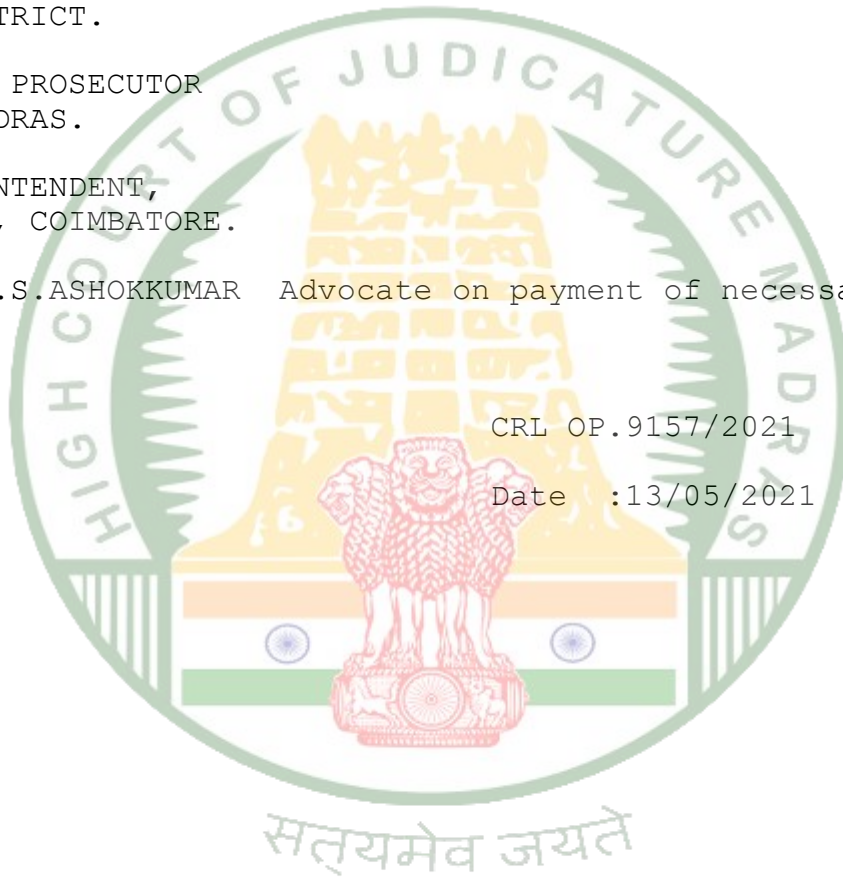
5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

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

CRL OP.9157/2021

Date :13/05/2021

RVR 17/05/2021



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