

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Date : 13.05.2021

PRESENT

THE HON`BLE MR.JUSTICE G.CHANDRASEKHARAN

CRL OP. No.9142 of 2021

Devendhiran ... Petitioner/Accused

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station, Hosur,
Krishnagiri District. ... Respondent/Complainant

For Petitioner : Mr.E.Kannadasan

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

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

PRAYER :- To enlarge the Petitioner on bail in Crime No.9 of 2021 pending investigation on the file of the respondent police.

ORDER

The petitioner, who was arrested on 24.04.2021 for the offences punishable under Sections 363, 366 of IPC and Sections 5(1) r/w 6 of Protection of Children from Sexual Offence Act, 2012 in Crime No.9 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the defacto complainant were in love with each other and the petitioner is said to have committed aggravated sexual assault on the victim girl. This complaint was given by the father of the victim girl.

3. The learned counsel for the petitioner submitted that the petitioner and the victim girl loved each other and during the course of love, the offence against the victim girl is said to have committed by the petitioner and the petitioner is in judicial custody from 24.04.2021 and seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent police opposes this petition on the ground that this offence is punishable under Protection of Children from Sexual Offence Act, 2012 and that the petitioner is aged 23 years and the victim girl is aged 16 years.

5. Taking note of the facts and circumstances of the case and the fact that the petitioner is in judicial custody from 24.04.2021 and the medical examination on the petitioner and the victim girl is over and the material part of the investigation is also over, this Court is inclined to grant bail to the petitioner. 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 learned Fast Track Mahila Court, Krishnagiri 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/-

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 FAST TRACK MAHILA COURT,
KRISHNAGIRI.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
HOSUR, KRISHNAGIRI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, HOSUR.

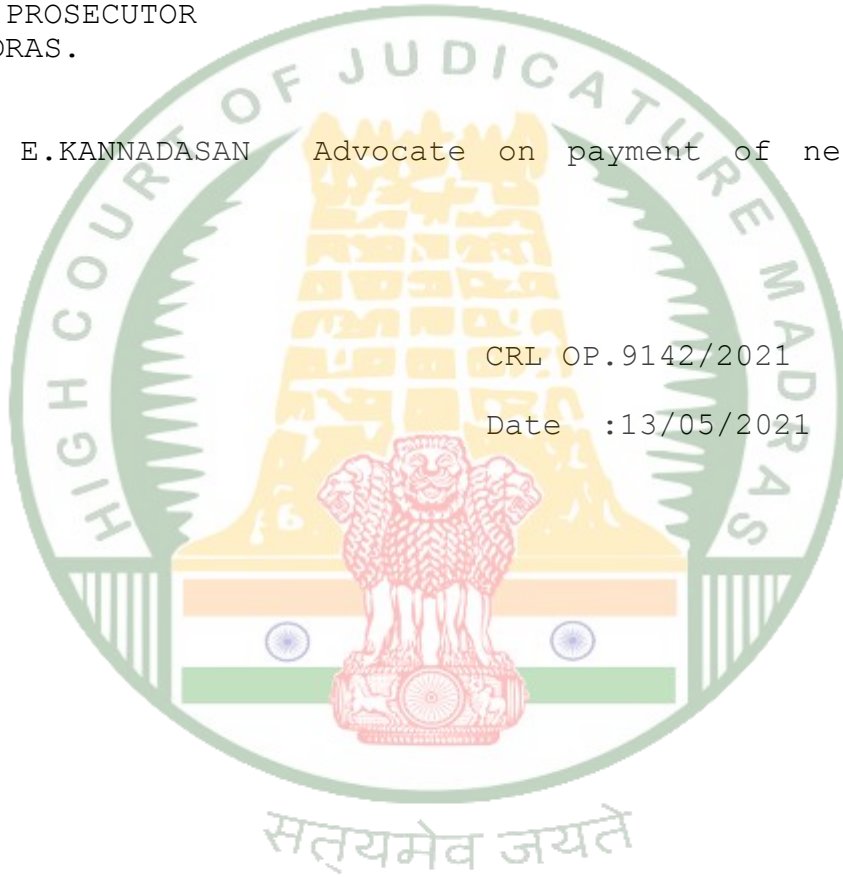
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to E.KANNADASAN Advocate on payment of necessary charges
SR.NO. 6170

CRL OP.9142/2021

Date :13/05/2021

MN-17/05/2021



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