

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.9530 of 2021

Kaleel

... Petitioner

Vs.

The Inspector of Police,
All Women Police Station,
Hosur,
Krishnagiri District.
(Crime No.10 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.10 of 2021 Pending investigation on the file of the Respondent Police.

For Petitioner : Mr .E.Kannadasan

For Respondent : Mr.E.Raj Thilak
Government Advocate (Crl. Side)

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 30.04.2021 for the offence punishable under Sections 363, 366 of IPC and Sections 5(1) read with 6 of Protection of Children from Sexual Offence Act 2021 in Crime No.10 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the victim are neighbours. The victim is aged about 17 years and the petitioner is aged about 31 years. The petitioner has already got married and living with his wife. The petitioner proposed to marry the victim girl often and the same was also objected by the victim and her parents. Based on the complaint lodged by the mother of the victim, the respondent /police registered a case against the petitioner in Crime No.10 of 2021.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and a false case has been foisted against him. The learned counsel further submitted that the petitioner is in judicial custody from 30.04.2021 and therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. side) submitted that the victim girl has been produced before the learned Judicial Magistrate-II, Hosur. The statement of 164(5) Cr.P.C has been recorded, in which, she stated that the petitioner forced to marry the victim girl often and he has also bought a cell phone and gave it to the victim for developing his relationship with the victim. On 05.01.2021, the petitioner made some bad touch with the victim and he had not nothing to do more. In this regard, the mother of the victim lodged the complaint before the respondent/police. Hence, he strongly objected to grant bail to the petitioner.

5. Considering the above facts and circumstances and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(a) the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of Police, Sub Jail, Hosur, in which the petitioner has been confined on her release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the learned Fast Track Mahila Court, Krishnagiri within a period of 15 days from the date of lifting of lock down and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) On release, the petitioner shall report before the respondent police everyday at 10.30 AM for a period two weeks and thereafter, as and when required for interrogation;

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) 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].

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
04/06/2021

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 DISTRICT.

2 THE OFFICER INCHARGE,
SUB-JAIL, HOSUR.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
HOSUR, KRISHNAGIRI.

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

CRL OP.9530/2021

Date :04/06/2021

MK:07/06/2021