

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.9902 of 2021

Ganesh

... Petitioner

Vs.

The Inspector of Police,  
All Women Police Station,  
Denkanikottai,  
Krishnagiri District.  
(Crime No.11 of 2019)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.11 of 2019 Pending investigation on the file of the Respondent Police.

For Petitioner : Mr .M.P.Saravanan

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 07.05.2021 for the offence punishable under Sections 366(A), 109 of IPC and Sections 5(1), 6 of Protection of Children from Sexual Offence Act 2021 in Crime No.11 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the first accused had committed sexual assault by force and compulsion on the victim with the help of this petitioner. The victim is aged about 17 years. 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 friend of A1 and he is falsely implicated in this case. The learned counsel further submitted that the petitioner is in judicial custody from 07.05.2021 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 District Munsif and Judicial Magistrate, Denkanikottai. The statement of 164(5) Cr.P.C has been recorded, in which, she stated that on 19.05.2019, on compulsion of A1 and A2, the victim girl went along with them to Bangaluru and other various places and stayed with them about five days. In this regard, the father of the victim lodged the complaint before the respondent/police. Insofar as this petitioner, he helped A1 to elope with the victim girl. 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, Central Prison, Salem, in which the petitioner has been confined on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the learned Sessions Judge, 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 daily at 10.30 AM for a period of 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 SESSIONS JUDGE,  
FAST TRACK MAHILA COURT,  
KRISHNAGIRI DISTRICT.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,  
CENTRAL PRISON, SALEM.

4 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
DENKANIKOTTAI,  
KRISHNAGIRI DISTRICT.

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

CRL OP.9902/2021

Date :04/06/2021

MK:07/06/2021