



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12618 of 2021

Prabhakaran

.. Petitioner

Vs.

The State Rep. By
The Inspector of Police,
Perur All Women Police Station,
Coimbatore,
Cr.No. 9 of 2021.

.. Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioner on bail in Crime No.9 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.Seetharam

For Respondent : Mr.C.E. Pratap
Government Advocate (Criminal Side)

ORDER

The petitioner who was arrested on 13.06.2021 and remanded to judicial custody for the offences under Section 312 of IPC and 5(j) (ii) r/w 6 of POCSO Act, 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 abducted the victim girl and sexually assaulted her and thereby she became pregnant. Subsequently the petitioner forced her to take fetus tablet and caused miscarriage to the victim girl. Hence, the law enforcing agency registered a case against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 13.06.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner sexually assaulted the victim girl. He further submits that the statement of the victim girl u/s 164 Cr.P.C. has been recorded. However, he opposed to grant bail to the petitioner.



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5. On perusal of the statements recorded under Section under 164 of Cr.P.C., it is made clear by the victim girl and the petitioner are lovers and it is further submitted by the victim girl that the petitioner had sexual intercourse with the victim girl with her consent only.

6. Considering the facts and circumstances of the case and as per the statement of the victim girl u/s 164 Cr.P.C., the victim girl had admitted that she went along with the petitioner on her own volition and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with following conditions:

7. 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 **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 respondent police, daily at 10.30 a.m. until further orders;

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

(d) the petitioner shall not abscond 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]**; and;

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

-sd/-

06/08/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



TO

1 THE SPECIAL COURT FOR EXCLUSIVE TRIAL OF
CASES UNDER POCSO ACT, COIMBATORE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
PERUR ALL WOMEN POLICE STATION,
COIMBATORE.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to M/S.K.SEETHARAM Advocate on payment of necessary
charges SR.NO.8250

CRL OP.12618/2021

Date :06/08/2021

TA-09/08/2021