



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12806 of 2021

WEB COPY

M.Kanthavel Male, aged 23 years,
Son of Mr.Muthusamy

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Tiruppur North Police Station,
Tiruppur.
(Crime No.698 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.698 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.R.A.Muthukrishnan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 16.05.2021 and remanded to judicial custody for the offences under Section 363 of IPC and Section 3 and 4 of Protection of Children From Sexual Offences Act, 2012, in Crime No.698 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to the love affair between the petitioner and the victim girl, they both eloped. Hence, the complaint was given by the parents of the victim girl.

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 16.05.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner had sexually intercourse with the victim girl.. He further submits that the statements under section 164 of Cr.P.C has been recorded from the victim girl.

5. This Court had perused the statement of the victim under Section 164 of Cr.P.C. which reveals that the victim, on her own volition went along with the petitioner and there is no specific



overt act attributed against this petitioner and considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

6. 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 Magalir Needhi Mandram cum II Additional, District and Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court) Tiruppur (FAC), 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/-
29/07/2021

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 MAGALIR NEEDHI MANDRAM CUM II ADDITIONAL,
DISTRICT AND SESSION JUDGE,
MAGALIR NEETHIMANDRAM (FAST TRACK MAHILA COURT) TIRUPPUR (FAC).



2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE INSPECTOR OF POLICE,
TIRUPPUR NORTH POLICE STATION,
TIRUPPUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.R.A.MUTHUKRISHNAN Advocate on payment of
necessary charges SR.NO.7890

CRL OP.12806/2021

Date :29/07/2021

INBA 30/07/2021