



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13401 of 2021

Ayyavu

... Petitioner

Vs.

State Rep, by its
The Sub-Inspector of Police,
Elachipalayam Police Station,
Namakkal District.
(Crime No.293 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail pending investigation in Crime No.293 of 2021 on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

The petitioner who was arrested on 23.06.2021 and remanded to judicial custody for the offences under Section 366 of IPC, 5(1), 5 (n), r/w 6 of POCSO Act 2021, in Crime No.293 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had kidnapped the minor girl and sexually assaulted on her. Based on the complaint given by the step mother of the minor girl.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offences and he has been falsely implicated in this case. He further submits that the petitioner has been jail from 23.06.2021. He further submits that the victim girl's step mother pressured and performed the marriage of the victim girl at premature stage and the same was questioned by the petitioner and other friends of the victim girl, the defacto complainant has given a false complaint before the respondent police. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submitted that the statement of 164 Cr.P.C has been recorded , in which, she has not stated any serious allegation against the petitioner. He further submits that the victim girl has been secured. Hence, the learned Government Advocate has no serious objection to grant bail to the petitioner.

5. This Court is of the view that on perusal of the 164 statement, there is no serious allegation made against the petitioner, on her own volition, she went along with the petitioner and the victim girl has been secured and further 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 learned Judicial Magistrate, Thiruchengode, 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/-

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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 JUDICIAL MAGISTRATE,
THIRUCHENCODE.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
ELACHIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.8067

CRL OP.13401/2021

Date :03/08/2021

TA-03/08/2021