



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13352 of 2021

Velmurugan

.. Petitioner

Vs.

The State Rep. By
The Inspector of Police,
Vellode Police Station,
Erode District,
Cr.No. 109 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.109 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.S. Panneer Selvam

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

ORDER

The petitioner who was arrested on 06.05.2021 and remanded to judicial custody for the offences under Section 5(i) r/w 6 of POCSO Act, in Crime No.109 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner fell in love with the victim girl. Thereafter the petitioner promised to marry the minor victim girl and had sexual intercourse with her and thereby she became pregnant. Subsequently the petitioner refused to marry 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 06.05.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner 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.



5. On perusal of the statements recorded under Section 164 of Cr.P.C, it is made clear by the victim girl and the petitioner are lovers and the petitioner promised to marry the victim girl.

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6. Considering the facts and circumstances of the case 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 *Magalir Neethi Mandram*, (*Fast Track Mahila Court*) *Erode* , 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

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1. THE MAGALIR NEETHI MANDRAM
(FAST TRACK MAHILA COURT), ERODE.

2. THE INSPECTOR OF POLICE,
VELLODE POLICE STATION,
ERODE DISTRICT.

3. THE SUPERINTENDENT,
CENTRAL PRISON,
COIMBATORE.

4. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.PANNEER SELVAN Advocate on payment of necessary
charges

CRL OP.13352/2021

Date :06/08/2021

CSK 09/08/2021