



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.14748 of 2021

Jayavel

.. Petitioner

Vs.

State: Inspector of Police,
All Women Police Station,
Denkanikottai,
Krishnagiri District.
(Crime No.13 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C prayed to release the petitioner on bail pending investigation in Crime No.13 of 2021 on the file of the respondent.

For Petitioner : Mr.M.P.Saravanan

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 25.07.2021 for the offences under Sections 363, 366 of IPC, 5(1) r/w 6 of POCSO Act 2012 in Crime No.13 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had kidnapped the victim girl aged about 16 years, who is a minor, and committed penetrative sexual assault. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner and the victim girl were in love with each other and the victim girl, on her own volition, had come along with the petitioner and that the petitioner has not committed any offences as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner has been jail from 25.07.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (CrI.Side) submitted that the statement of the victim u/s 164 Cr.P.C has been recorded. It is the further submission of the learned government Advocate that the petitioner had kidnapped the victim and taken her forcibly to Chennai. He further submits that the victim girl has been secured. Hence, the learned Government Advocate vehemently objected for grant of bail to the petitioner.



5. A perusal of the statement of the victim, recorded u/s 164 Cr.P.C. reveals that no penetrative sexual assault, as alleged by the prosecution has been spoken to. Further, it is admitted that the victim girl has been secured and in view of the aforesaid factual position 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 learned Sessions Judge, Fast Track Mahila Court, Krishnagiri 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/-
25/08/2021

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.



1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
KRISHNAGIRI.

2 THE SUPERINTENDENT
CENTRAL PRISON, SALEM.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DENKANIKOTTAI,
KRISHNAGIRI DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.14748/2021

Date :25/08/2021

RW 25/08/2021