

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.14931 of 2021

AjithKumar

... Petitioner

Vs.

The State rep by,  
The Inspector of Police,  
All Women Police Station,  
Harur, Dharmapuri District.  
(Crime No.7 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioner on bail pertaining to Crime No.7 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.L. Aishwarya Lakshmi

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 26.07.2021 for the offences under Sections 3,4,5(g) and 6 of Protection of Child from Sexual Offences Act 2012 and 506(i) of IPC and 67(A) 67(B) (a) of Information Technologies Act 2008 INFC in Crime No.7 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that under the guise of love, the petitioner had taken the victim girl and sexually assaulted her. Thereafter A2 and A3 attacked A1 and took the victim girl and had sexual intercourse with her. Hence, the law enforcing agency registered a case against the petitioner and other accused persons.

3. The learned counsel for the petitioner submitted that the the victim girl is her close relative and she also loved the petitioner 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 26.07.2021. 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.. 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, and the allegation is against A2 and A3 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, Harur 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/-

27/08/2021

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 JUDICIAL MAGISTRATE,  
HARUR

2 THE CHIEF JUDICIAL MAGISTRATE  
DHARMAPURI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
HARUR, DHARMAPURI DISTRICT.

4 THE OFFICER INCHARGE  
SUB JAIL, DHARMAPURI.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S.L.AISHWARYA LAKSHMI Advocate on payment of necessary charges

CRL OP.14931/2021

Date :27/08/2021

APN 31/08/2021