



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19172 of 2021

Ganesan

... Petitioner

Vs.

State Rep by
The Sub Inspector of Police,
Senthamangalam Police Station,
Namakkal District.
(Crime No.687 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.687 of 2021 on the file of the respondent police.

For Petitioner : Mr.A.Sathishkumar

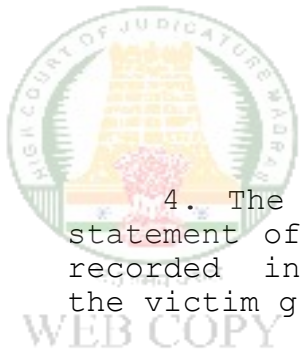
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 20.08.2021 and remanded to judicial custody for the offences under Sections 363, 366 of IPC, 5 (I), 6(i) and 16 r/w 17 of POCSO Act and 9 of PCM Act in Crime No.687 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the daughter of the defacto complainant who is school going child was missing from 14.08.2021 onwards and the accused is alleged to have committed sexual assault on her. Hence, the complaint.

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. Infact, the petitioner and the defacto complainant's daughters are friends. He further submits that the petitioner has been in jail from 20.08.2021 onwards. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits that the statement of the minor victim girl under Section 164 Cr.P.C has been recorded in which the victim girl has stated that the petitioner and the victim girl are friends.

5. A perusal of the statement of the minor victim girl under Section 164 of Cr.P.C reveals that, there is no serious allegation made against the petitioner and that the victim girl and the petitioner are friends 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 Sessions Judge (Fast Track Mahila Court), Namakkal 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/-

27/10/2021

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 SESSIONS JUDGE
(FAST TRACK MAHILA COURT), NAMAKKAL.

2 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S.A.SATHISHKUMAR Advocate on payment of necessary
charges SR.NO.11893

CRL OP.19172/2021

Date :27/10/2021

RW 28/10/2021