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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.20805 of 2021

Santhoshkumar

...Petitioner

Vs.

The State rep by
The Inspector of Police,
Puduchathiram Police Station,
Puduchathiram,
Namakkal District.
Crime No.535 of 2020

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioners in Crime No.535 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 24.08.2021 for the offences under Sections 366(A) IPC and Sections 5(1), 5(j)(ii) r/w 6 of Protection of Children from Sexual Offences (POCSO) Act 2012, in Crime No.535 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner committed penetrative sexual assault on the victim girl who is aged about 15 years and made her pregnant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner married the victim girl and they have been living together and out of the wedlock, now the victim has delivered a female child and that a false case has been foisted against the petitioner. He would submit that the petitioner has been suffering incarceration for 24.08.2021. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate raised formal objection and admitted that the victim has delivered a female child and the statement of the victim has been recorded under Section 164 Cr.P.C.

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5. Considering the fact that the investigation is almost completed and also considering the period of incarceration undergone 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 (Fast Track Mahila) Judge, Namakkal, and on further conditions 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, as and when required for interrogation.

(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 petitioners 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/-

12/11/2021

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 (FAST TRACK
MAHILA) JUDGE, NAMAKKAL.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE INSPECTOR OF POLICE,
PUDUCHATHIRAM POLICE STATION,
PUDUCHATHIRAM, NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.20805/2021

Date :12/11/2021

RW 15/11/2021