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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2021

CORAM:

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

Cr1.O.P.No.21603 of 2021

Sasikumar

... Petitioner

Vs.

State rep. By
The Inspector of Police
All Women Police Station
Tiruppur North
Tiruppur District
(Cr.No.16 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.16 of 2021 pending investigation 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 05.09.2021 for the offences under Sections 5(1), 5(j)(ii), 5(n) read with 6 of Protection of Children from Sexual Offences (POCSO) Act 2012, in Crime No.16 of 2021, 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 who is aged about 16 years and made her pregnant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the victim is the sister in law of the petitioner and on the instigation of the parents of the victim, a false complaint has been lodged against the petitioner and that the petitioner has been suffering incarceration for more than 70 days from 05.09.2021. He would further



submit that the petitioner has got two children and now the victim has delivered a male baby and that considering the family circumstances, an amicable settlement has been arrived between the family members. Hence, he would pray for grant of bail to the petitioner and would submit that the petitioner is ready to abide by any condition that may be imposed by this Court .

4. The learned Government Advocate raised objection stating that the victim is only aged about 16 years and due to the physical contact of this petitioner, now the victim has delivered a child and he also pointed out that the victim is none other than the sister-in-law of the petitioner. He would further submit that the statement of the victim has been recorded under Section 164 Cr.P.C. and that the investigation is almost completed.

5. Considering the fact that an amicable settlement has been arrived between the family members and the statement of the victim has been recorded under Section 164 Cr.P.C. and 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, Tiruppur, 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, every Friday 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.

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-sd/-

18/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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

TO

1 THE SESSIONS (FAST TRACK MAHILA) JUDGE,
TIRUPPUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUPPUR NORTH, TIRUPUR DISTRICT .

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

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

CRL OP.21603/2021

Date :18/11/2021

APN 18/11/2021