



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2021

CORAM:

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

Cr1.O.P.No.21879 of 2021

Gohul

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Thirumakottai Police Station,
Thiruvarur District.
(Crime No.386 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.386 of 2021 on the file of the respondent police.

For Petitioner : Mr.Swamisubramanian

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

ORDER

(The case has been heard through video conference)

The petitioner who was arrested on 17.09.2021 and remanded to judicial custody on 20.09.2021 for the offences under Sections 366(A) and 506(i) of IPC and in Section 7 r/w.8 of Protection of Children From Sexual Offences Act 2012, in Crime No.386 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had kidnapped the daughter of the defacto complainant and committed penetrative sexual assault on the victim girl who is aged about 15 years. Hence, the complaint.



3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that there was a previous enmity, a false case has been given. He further submitted that the petitioner has been in jail from 20.09.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the victim girl has been secured and the statement of the victim has been recorded under Section 164 Cr.P.C. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the fact that the victim girl has been secured and the investigation is almost completed and also 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 Additional District and Sessions Judge, Fast Track Mahila Court, Thiruvvarur, Thiruvvarur District, 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 on every Wednesday and Sunday at 10.30 a.m., until further orders and he should not have any communication with the victim girl.

(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.

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-sd/-
22/11/2021

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 ADDITIONAL DISTRICT AND SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
THIRUVARUR, THIRUVARUR DISTRICT.

2 THE INSPECTOR OF POLICE,
THIRUMAKOTTAI POLICE STATION,
THIRUVARUR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPALLI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.21879/2021

Date :22/11/2021

JPA 23/11/2021