



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

CORAM:

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

Crl.O.P.No.24044 of 2021

Rajesh

...Petitioner

Vs.

The State rep. by  
The Inspector of Police  
All Women Police Station,  
Erode.  
(Crime No.37 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.37 of 2021, on the file of the respondent police.

For Petitioner : Mr.N.Ponraj

For Respondent : Mr.N.S.Suganthan  
Government Advocate (Crl. Side)

ORDER

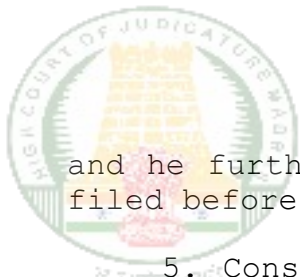
(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 18.11.2021 for the offences under Sections 3 and 4 of POCSO Act and Section 506(i) of IPC, in Crime No.37 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.11.2021 defacto complainant/mother of the victim girl lodged a complaint before the respondent police stated that her daughter was sexually assaulted by the petitioner. Hence, the complaint.

3.The learned counsel for the petitioner submits that he is falsely implicated in this case and he further submits that the petitioner is the relative of the victim girl they had love affair each other, due to the vengeance defacto complainant/mother of the victim girl lodged a false case against the petitioner. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that at the time of the alleged occurrence the victim girl was minor, hence, defacto complainant gave a complaint



and he further submits that statement under Section 164 of Cr.P.C is filed before this Court.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and the statement under Section 164 Cr.P.C is recorded and the investigation is almost completed, 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, Magalir Neethi Mandram (Fast Track Court), Erode, 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 stay at Thuthukudi and report before the Town Police Station on every Tuesday and Saturday at 10.30 a.m, for a period of 3 months until further orders and the petitioner should not have any communication with the victim girl through any mode;

(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/-

17/12/2021

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.



2 THE OFFICER INCHARGE,

3 THE INSPECTOR OF POLICE,

## 4 THE PUBLIC PROSECUTOR

5 THE SUPERINTENDENT,

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

CRL OP.24044/2021

Date : 17/12/2021

RVR 20/12/2021