



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.12.2021

CORAM:

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

Crl.O.P.No.24709 of 2021

Saravanakumar

... Petitioner

Vs.

State Rep.by
Inspector of Police,
AWPS Erode
Erode District.
(Crime No.27 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.27 of 2021 on the file of the respondent police.

For Petitioner : Mr.J.RanjithKumar

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 24.09.2021 for the offences under Sections 5(m), 5(n), 5(l), and 6 of Protection of Children from Sexual Offence Act 2012 in Crime No.27 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that victim girl is the daughter of the petitioner and he had sexually harassed the minor victim girl aged about 16 years. Hence, the complaint.

3. The learned counsel for the petitioner submits that petitioner is falsely implicated in this case and he has not committed any offence as alleged by the prosecution and there was a family dispute between the petitioner and his wife and out of ill motive, lodged a false complaint and he further submits that the alleged occurrence was happened in the year 2017 but the complaint was lodged in the year



2020 it created doubt about the incident. He further submits that the petitioner has been suffering incarceration for more than 70 days from 24.09.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate raising objection stating that statement of victim girl under Section 164 of Cr.P.C was recorded. He further submits that the investigation was almost completed. He further submits that this Court dismissed the petitioner's earlier bail petition in CrI.OP.No.22482 of 2021 dated 26.11.2021.

5. Considering the facts and circumstances of case and considering the period of incarceration suffered by the petitioner and investigation was 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 bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the learned Sessions , Mahila Neethi Mandram (Fast Track Mahila Court), Erode 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 stay at Thiruvannamalai and report before the Thiruvannamalai Town police Station, Thiruvannamalai on everyday 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/-
16/12/2021

WEB COPY

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, MAHILA NEETHI MADRAM
(FAST TRACK MAHILA COURT), ERODE.

2 THE INSPECTOR OF POLICE,
AWPS - ERODE.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, GOBICHETTIPALAYAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE
THIRUVANNAMALAI TOWN POLICE STATION,
THIRUVANNAMALAI.

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

CRL OP.24709/2021

Date :16/12/2021

JPA 16/12/2021