



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.12.2021

CORAM:

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

Cr1.O.P.No.24512 of 2021

Mathiyazhagan

.. Petitioner

Vs.

The State Rep.by  
The Inspector of Police,  
Karimangalam Police Station,  
Dharmapuri District.  
(Crime No.591 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.591 of 2021 on the file of the respondent police.

For Petitioner : Mr.A.R.Suresh

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 25.11.2021 for the offences under Sections 11(i), 11(iv) r/w 12 of POCSO Act 2012 and Section 506(i) of IPC in Crime No.591 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant/victim girl who is aged about 16 years, lodged a complainant before the respondent police stated that petitioner herein followed the victim girl whenever she goes out from her home, the same was informed to her parents. Prior to one year, her father warned the accused for the same. Subsequently, the accused again used to follow the victim and compelled her to love him and on 13.11.2021, when the victim girl was along in her house and the accused trespassed into the victim girl's house and had committed sexual assault and the accused also threatened her not to disclose the matter to her parents.



3. The learned counsel for the petitioner submits that petitioner had only proposed his love to the victim girl, following which, the parents of the victim girl given a false complainant against the petitioner. He further submits that the petitioner has been suffering incarceration for more than 20 days from 25.11.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate raising objection stated that petitioner tortured the victim girl to marry him and he further submits that statement under Section 164 of Cr.P.C is not recorded and investigation was almost completed.

5. Considering the facts and circumstances of case and considering the period of incarceration suffered by the petitioner and also the fact that 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 their 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 Judge, Fast Track Mahila Court, Dharmapuri, 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 not disturb the victim girl and he should not have any communication with the victim through any mode until disposal of the case and he shall stay at Salem and report before the Town Police Station, Salem, daily 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.

WEB COPY

-sd/-

15/12/2021

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.

TO

1 THE SESSIONS JUDGE,  
FAST TRACK MAHILA COURT, DHARMAPURI.

2 THE OFFICER INCHARGE,  
DISTRICT PRISON, DHARMAPURI.

3 THE INSPECTOR OF POLICE,  
KARIMANGALAM POLICE STATION,  
DHARMAPURI DISTRICT.

4 THE INSPECTOR OF POLICE,  
TOWN POLICE STATION, SALEM.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.A.R.SURESH Advocate on payment of necessary charges  
SR.NO.14784

CRL OP.24512/2021

Date :15/12/2021

RW 16/12/2021