



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.12.2021

CORAM:

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

Crl.O.P.No.24325 of 2021

Boopathy

.. Petitioner

Vs.

The State Rep.by
The Inspector of Police,
Mohanur Police Station,
Namakkal District.
(Crime No.696 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.696 of 2021 on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

The petitioner who was arrested and remanded to judicial custody on **18.11.2021** for the offences under **Sections 9 of PCM Act 2006 and Section 5 (1), 6 of POCSO Act 2012** in Crime No.696 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that defacto complainant who is working as Social Welfare officer, Mohanur Panchayat, She got a information in child help line number, on receiving the complaint, she gave a complaint before the respondent police, in which he stated that on 25.02.2021, the petitioner was married the victim girl in Mohanur Thevar Malai Murugan Kovil, thereafter they went to the parents house, they refused to accept them, so they have live separately for the past 10 months and at that time petitioner had sexual relationship with her. 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 he further submits that the based on the wrong information given by the unknown person defacto complainant lodged a complaint. He further submits that the petitioner has been suffering incarceration for more than 25 days from 18.11.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate raising objection statement of victim girl under Section 164 of Cr.P.C wass recorded. He further submits that the investigation was almost completed.

5. At the time of the argument, the victim girl and her mother appeared before this Court and and submits that some unknown person has given a wrong complaint against them and no such alleged occurrence has been happened. But, this Court has not believed the words of the victim girl and her mother.

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 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, Namakkal**, 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 report before the respondent police on every Saturday 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/-

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, NAMAKKAL.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MOHANUR POLICE STATION,
NAMAKKAL DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.14827

CRL OP.24325/2021

Date :15/12/2021

TA-15/12/2021