



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.24588 of 2021

WEB COPY

Vijayakumar

...Petitioner

Vs.

The State rep. by
The Inspector of Police
Karimangalam Police Station,
Dharmapuri District.
(Crime No.463 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.463 of 2021 on the file of the respondent police.

For Petitioner : Mr.C.Prabakaran

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 02.09.2021 for the offences under Sections 323 and 506(i) of IPC, 3 r/w 4 of Protection of Children from Sexual Offence Act 2012, in Crime No.463 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was following the de facto complainant/victim girl for the past three months, who is also the resident of same village. On 31.08.2021, at about 11.00 p.m., while the victim girl went to attend her nature's call, the petitioner took the girl to a nearby jasmine garden and with force and threat attempted to have physical relationship with her. However, the victim girl has escaped and informed to her parents. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that no such occurrence had happened. He would further submit that the petitioner has been suffering incarceration for more than 104 days from 02.09.2021. Hence, he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise strong objection stating that the investigation is almost completed.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and that 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, Fast Track Mahila Court, Dharmapuri, 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 Pollachi and report before the Town Police Station on every Wednesday and Sunday at 10.30 a.m, for a period of 4 weeks and thereafter, report before the respondent police as and when required for interrogation.

(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.



TO

1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
DHARMAPURI

2 INSPECTOR OF POLICE,
KARIMANGALAM POLICE STATION,
DHARMAPURI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, DHARMAPURI

5 THE OFFICER INCHARGE,
POLLACHI TOWN POLICE STATION,
POLLACHI

CC to M/S.C.PRABAKARAN Advocate on payment of necessary charges
Sr.15032

CRL OP.24588/2021

Date :17/12/2021

RVR 20/12/2021