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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM:

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

Cr1.O.P.No.607 of 2022

Saravanan

..Petitioner

Vs.

State Rep by
The Inspector of Police
All Women Police Station Tiruppur South,
Tiruppur District.
(Crime No.22 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.22 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.12.2021 for the offences under Section 5(1), 5(j)(ii) r/w 6 of Protection of Children from Sexual Offence (POCSO) Act 2012 in Crime No.22 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had committed penetrative sexual assault against the victim, who is aged about 16 years and made her pregnant. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that he has been suffering incarceration for more than 45 days from 02.12.2021.

4.The learned Additional Public Prosecutor raised objection stating that the petitioner had sexually harassed the victim girl and made her pregnant and he further submitted that the petitioner is a



married person and he is having two children and he further submitted that the statement under Section 164 of Cr.P.C has been recorded.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering period of incarceration undergone by the petitioner and the investigation was almost completed and this Court directs the petitioner to deposit a sum of Rs.75,000/- in Crime No.22 of 2021, this Court is inclined to grant bail to the petitioner with certain conditions;

(a) the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner is directed to deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of Crime No.22 of 2021 before the learned Sessions Judge Fast track Mahila Court), and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount of Rs.75,000/- on proper identification and acknowledgment and shall use for medical expenses to the minor girl at present.

(c) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Sessions (Fast Track Mahila) Judge, Tiruppur within 15 days from the date of commencement of the Court's normal functioning, failing which, the bail granted by this Court shall stand dismissed automatically;

(d) 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;

(e) the petitioner shall report before the respondent police on everyday Tuesday at 10.30 a.m. until further orders and he shall co-operate for trial proceedings;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) the petitioner shall not abscond either during investigation or trial;

(h) 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;



(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-

27/01/2022

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 (FAST TRACK MAHILA) JUDGE,
TIRUPPUR.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION TIRUPPUR SOUTH,
TIRUPPUR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges

CRL OP.607/2022

Date :27/01/2022

CSK 28/01/2022