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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.02.2022

CORAM:

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

Crl.O.P.No.2283 of 2022

V.Kumar

... Petitioner

Vs.

State Rep by
The Inspector of Police,
All Women Police Station,
Tiruppur South, Tiruppur District.
(Crime No.21 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.21 of 2021 on the file of the Inspector of Police, All Women Police Station, Thiruppur South, Thiurppur District.

For Petitioner : Mr.K.Hari

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 30.11.2021 for the offences under Sections 7 r/w 8 of POCSO Act, 2012, in Crime No.21 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution that the defacto complainant lodged a complaint before the respondent police stated that the petitioner has misbehaved with the victim girl .

3. The learned Counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He further submits that the petitioner was suffering incarceration for more than 60 days from 30.11.2021. Hence, he seeks to grant bail to the petitioner.



4. The learned Government Advocate (Crl side) would raise objection stating that the petitioner sexually tortured the victim girl when she was in the house and knocking the door in drunken mode, due to which, she drunk the poison and admitted in the hospital. He further submits that the statement of the victim girl under Section 164 of Cr.P.C.has recorded.

5. Considering the above facts and circumstances of the case and the investigation was almost completed and there was no serious allegations levelled against the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with 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 shall execute two sureties each like sum for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Mahila Court. 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;

[c]the petitioner is directed to deposit a sum of Rs. 30,000/- to the credit of crime No.21 of 2021 and on such deposit, the defacto complainant who is the mother of the victim girl is permitted withdraw the said amount with proper identification;

[d] the petitioner shall stay at Kanchipuram and appear before the Kanchipuram Town Police Station daily at 10.30 a.m for a period of three months and he shall not have any communication with the victim girl and her family members;

[e] 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;

[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/-

02/02/2022

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 MAHILA JUDGE,
TIRUPPUR.

2 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPPUR SOUTH,
THIRUPPUR DISTRICT.

4 THE OFFICER INCHARGE,
KANCHIPURAM TOWN POLICE STATION,
KANCHIPURAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.HARI Advocate on payment of necessary charges
SR.NO.1681

CRL OP.2283/2022

Date :02/02/2022

RW 03/02/2022