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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM:

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

Cr1.O.P.No.2533 of 2022

Ashok Kumar

...Petitioner

Vs.

State rep. By
The Inspector of Police,
Tiruppur North-AWPS,
Tiruppur City.
(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 Spl.SC.No.102 of 2021 on the file of Mahila Court, Tiruppur in Crime No.21 of 2021 on the file of the respondent police.

For Petitioner : Mr.J.Franklin

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 09.10.2021 for the offences under Section 5 (1) r/w 6 of the POCSO Act 2012 in Crime No.21 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had sexual relationship with the victim girl who is aged about 17 years, due to which, the victim girl's/mother lodged complaint before the respondent police. 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. He further submits that the victim girl had love affair with the petitioner and on her own volition, she went along with the petitioner and had sexual relationship with her consent. He further



submits that he has been suffering incarceration for more than 100 days from 09.10.2021. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate raised objection stating that the petitioner had sexual relationship with the victim girl. He further submits that the statement of the victim girl under Section 164 of Cr.P.C was recorded and charge sheet was filed.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and the investigation was almost completed, 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 shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the **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 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;

(d) the petitioner shall report before the respondent police on every Tuesday 10.30 a.m. until further orders;

(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/-

03/02/2022

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 COURT,
TIRUPPUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
TIRUPPUR NORTH-AWPS,
TIRUPPUR CITY.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S.J.FRANKLIN Advocate on payment of necessary charges

CRL OP.2533/2022

Date :03/02/2022

TA-04/02/2022