



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2022

CORAM:

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

Crl.O.P.No.4156 of 2022

Sivaraj

... Petitioner

Vs.

The State Rep by:
The Inspector of Police,
Udumalaipet AWPS,
Udumalaipet - 642 126,
Thiruppur District.
(crime No.16 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.S.C.No.120 of 2021, pending on the file of the Session Judge, Mahila Court (FAC), Thiruppur.

For Petitioner : Mr.R.Babu

For Respondent : Mr.L.Baskaran
Government Advocate (Crl side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 25.09.2021 for the offences under Section 3 (a) r/w 4(2) of POCSO Act and Section 67 of Information Technology Act in crime No.16 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner kidnapped the victim girl and had committed penetrative Sexual assault and video graphed the occurrence. Hence, the complaint.

3. The learned counsel for the petitioner would submit that petitioner submits that there was love affair between the petitioner and the victim girl, besides they were close relatives based on the complaint give by the victim parents he was falsely implicated in this case and he was suffering incarceration for more than 155 days from 24.08.2021. He would pray for grant of bail to the petitioner.



4. The learned Government Advocated (Crl.side) raised objection stating that petitioner sexually harassed the victim girl who is aged about 16 years, and video graphed the occurrence, by which, he threatened her. He further submits that the investigation is almost completed and charge sheet was also filed and statement under Section 164 Cr.P.C has been recorded. Hence, he vehemently opposed the grant of bail.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and the investigation was completed and the charge sheet was taken on file, this Court is inclined to grant bail to the petitioner with conditions.

(a) the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties one surety must be a blood relative surety each for a like sum to the satisfaction of the Sessions Judge, Mahila Court (FAC), Thiruppur.

(b) 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;

(c) the petitioner shall report before the respondent police every Monday at 10.30 a.m., until further orders;

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

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

(f) 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;



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

WEB COPY

-sd/-

03/03/2022

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 JUDGE,
MAHILA COURT (FAC), THIRUPPUR.

2 THE INSPECTOR OF POLICE,
UDUMALAIPET AWPS,
UDUMALAIPET-642 126
TIRUPPUR DISTRICT

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.BABU Advocate on payment of necessary charges
SR.No.3231

CRL OP.4156/2022

Date :03/03/2022

CSK 03/03/2022