



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.7352 of 2022

Govindaraj

..Petitioner

Vs.

State rep. by
The Inspector of Police,
AWPS, Pennagaram,
Dharmapuri District.
(Crime No.6 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending trial in Spl.S.C.No.29 of 2021 on the file of the Fast Track Mahila Court, Dharmapuri.

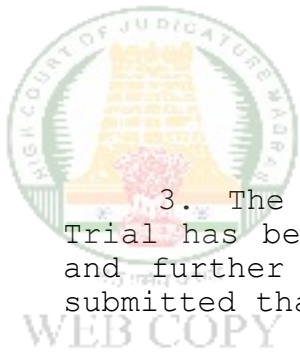
For Petitioner : Mr.N.Arunkumar

For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to Judicial Custody on 06.02.2021 for the offences punishable under sections 9(k), 10 of POCSO Act, 2012 @ 5(k)(1), r/w.6(1), 5(1) of POCSO Act pending trial in Spl.S.C.No.29 of 2021 on the file of the Fast Track Mahila Court, Dharmapuri., seeks bail.

2. The case of the prosecution is that the victim is a mentally retarded person of aged about 16 years. Taking advantage of her mental state, the petitioner had committed penetrative sexual assault on the minor girl.



3. The learned Additional Public Prosecutor submits that the Trial has been commenced and so far, 12 witnesses have been examined and further 8 more witnesses are yet to be examined. She further submitted that cross examination of witnesses is posted for tomorrow.

4. Considering that the list of the witnesses are annexed in the final report and further considering that the witnesses to be examined are official witnesses, this Court is inclined to grant anticipatory bail to the petitioners.

5. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Fast Track Mahila Court, Dharmapuri.

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the trial Court daily till the completion of the trial proceedings.

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

(e) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

-sd/-
30/03/2022

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 FAST TRACK MAHILA COURT,
DHARMAPURI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PENNAGARAM, DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.N.ARUNKUMAR Advocate on payment of necessary charges

CRL OP.7352/2022

Date :30/03/2022

RW 31/03/2022