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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11006 of 2022

DHARANEESH @ DHARANISH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KANGEYAM,
TIRUPPUR DISTRICT.
CR.NO.3 OF 2022.

[RESPONDENT]

For Petitioner : M/S.C.S.SARAVANAN Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 28.02.2022 for alleged offence under Sections 5(1), 5(j)(ii) and 6 of POCSO Act, 2012 in Crime No.3 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is alleged to have committed sexual assault on the victim girl, who is aged about 16 years and she also became pregnant.

3. Learned Government Advocate (Criminal Side) submitted that the victim girl in the statement given under Section 164 Cr.P.C has stated that she had love affair with the petitioner but however the petitioner had forced her to have sexual intercourse repeatedly and as a result of the same, she became pregnant.



4. Learned counsel for the petitioner submitted that there was love affair between the petitioner and the victim girl and a false case has been foisted against the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the age of the petitioner and also the fact that the petitioner has already suffered incarceration for a period of nearly 78 days and the investigation has been completed and the final report has already been filed by the respondent police, this Court is inclined to enlarge the petitioner on bail by imposing stringent conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the Sessions Judge, Magalir Court (FAC), Tiruppur, and on further conditions that:-

[a] 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.

[b] the petitioner shall report before the respondent police on every Monday at 10.30 a.m., for a period of 12 weeks and thereafter as and when required.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-
19/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE
MAGALIR COURT (FAC)
TIRUPPUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KANGEYAM, TIRUPPUR
DISTRICT. CR.NO.3 OF 2022.

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

CRL OP.11006/2022

Date :19/05/2022

SP(20/05/2022)