



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.11401 of 2022

GOKULAKANNAN @ GOKULAKRISHNAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
UDUMALAIPET,
COIMBATORE DISTRICT.
IN CRIME NO.7 OF 2021.

[RESPONDENT]

For Petitioner : M/S.P.KALIMUTHU 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 31.01.2022 for alleged offence under Sections 5(1), 5(J) (ii) and 5(n) r/w 6 of POCSO Act in Crime No.7 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner sexually assaulted the victim girl aged about 14 years and as a result of the same, she also became pregnant.

3. Heard Mr.P.Kalimuthu, learned counsel for the petitioner and Mr.S.Santhosh, learned Government Advocate (Criminal Side) for the respondent.

4. On reading the statement given by the victim girl under Section 164 Cr.P.C., it is seen that the petitioner and the victim girl had relationship and it is stated that the petitioner was having



sexual intercourse with the victim girl. As a result, she became pregnant and thereafter she alleges that the petitioner refused to marry her. This was informed by the victim girl to her mother and as a result of the same, a complaint was given by the mother of the victim girl.

5. Taking into consideration the facts and circumstances of the case and the fact that the investigation has been completed and final report has been filed and it has also been taken on file in Spl.C.C.No. 57 of 2022 by the Mahila Court, Tiruppur and also the fact that the petitioner had already suffered incarceration for more than 90 days, 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.5,000/- (Rupees Five Thousand only) with two sureties, each for a like sum to the satisfaction of the Sessions Judge, Mahila Court (Fast Track), 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 Sessions Judge, Mahila Court (Fast Track), Tiruppur on every Monday at 10.30 a.m., for a period of eight weeks.

[c] the petitioner shall attend every hearing date fixed by the trial Court and co-operate for the early disposal of the case.

[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].



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

-sd/-
19/05/2022

WEB COPY

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 (FAST TRACK), TIRUPPUR.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
UDUMALAIPET, COIMBATORE DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.P.KALIMUTHU Advocate on payment of necessary charges SR.NO.7302

CRL OP.11401/2022

Date :19/05/2022

JPA 19/05/2022