



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.11444 of 2022

K.DEEPAK

[PETITIONER / ACCUSED]

Vs

STATE REP.BY ITS
THE INSPECTOR OF POLICE,
CHEYYAR POLICE STATION,
THIRUVANNAMALAI DISTRICT.
(CR.NO.165 OF 2022)

[RESPONDENT]

For Petitioner : M/S.G.PUNNIAKOTI Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (CrI. 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 26.03.2022 for alleged offence under Sections 363, 366, 376(2)(n) IPC and Sections 5(1) and 6 of POCSO Act, 2012 in Crime No.165 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 penetrative sexual assault on the victim girl, who is aged about 17 years.

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 and the petitioner had committed sexual assault. Learned Government Advocate (Criminal Side) further submitted that investigation is almost completed and the final report will be filed any time.

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 investigation is almost completed and the final report will be filed by the respondent police any time, 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 Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvannamalai, 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 four weeks.

[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.

-sd/-
19/05/2022

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 SPECIAL COURT FOR EXCLUSIVE
TRIAL OF CASES UNDER POCSO ACT,
THIRUVANNAMALAI.

2 THE INSPECTOR OF POLICE,
CHEYYAR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, VANDAVASI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.G.PUNNIAKOTI Advocate on payment of necessary
charges SR.NO.7301

CRL OP.11444/2022

Date :19/05/2022

CSK 19/05/2022