



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Twenty Third day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH
CRIMINAL ORIGINAL PETITION No.12043 of 2022

HARIDOSS

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY [RESPONDENT]
SUB-INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION - CHEYYAR,
TIRUVANNAMALAI DISTRICT.
(CRIME NO.7 OF 2022)

For Petitioner : M/S.SATHIYARAJ E. 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 14.04.2022 for the alleged offences under Sections 376(2)(n) of IPC and 5(1), 5(j)(ii) r/w Section 6 of Protection of Children from Sexual Offence Act, 2012 in Crime No.7 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the relative of the victim girl. He is said to have committed penetrative sexual assault on the minor victim girl and she also became pregnant.

3. Heard Mr.E.Sathiyaraj, learned counsel for the petitioner and Mr.S.Santhosh, learned Government Advocate (Crl. Side) for the respondent.

4.This Court carefully went through the 164 Cr.P.C. statement recorded from the victim girl. It is seen that the petitioner is a relative of the victim girl and both of them had love affair and they also regularly had sexual intercourse. Everything came to light when she became pregnant. The petitioner is aged about 22 years.



5. Taking into consideration the facts and circumstances of the case and also of the fact that there was a love affair between the petitioner and the victim girl and both of them are relative and the petitioner had already suffered incarceration for nearly 39 days and also considering the 164 Cr.P.C. statement given by the victim girl, this Court is inclined to enlarge the petitioner on bail subject to stringent conditions.

6. Accordingly, 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, each for a like sum to the satisfaction of the learned Judicial Magistrate, Cheyyar, Tiruvannamalai 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 until further orders.

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

[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 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/-

23/05/2022

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 JUDICIAL MAGISTRATE,
CHEYYARE, TIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 SUB-INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION - CHEYYAR,
TIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

CC to M/S.SATHIYARAJ E. Advocate on payment of necessary
chargesSr.7778

CRL OP.12043/2022

Date :23/05/2022

RVR 23/05/2022