



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.12298 of 2022

DHINESH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SATHYAMANGALAM.
(CRIME NO.02/2022)

[RESPONDENT]

For Petitioner : M/S. R.THIRUMOORTHY 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 19.04.2022 for the alleged offences under Section 366(a) IPC U/S 5(1), 5(j), (ii), 6 of POCSO Act 2012 in Crime No.02 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner kidnapped the victim girl and had committed penetrative sexual assault on the victim girl who is aged about 17 years.

3. Heard Mr.R.Thirumoorthy, learned counsel for the petitioner and Mr.S.Santhosh, Government Advocate (CrI.Side) for the respondent Police.

4. This Court carefully went through the 164 statement recorded from the victim girl. It is seen that the petitioner and the minor victim girl had a love affair and they were also indulging in sexual intercourse. The minor victim girl became pregnant and it is only at that point of time, entire issue got revealed.



5. Taking into consideration of the facts and circumstances of the case and also of the fact that the petitioner and the minor victim girl had a love affair and considering the statement given by the minor victim girl and also the age of the petitioner and the fact that the investigation has almost been completed and only the medical report is awaited and the petitioner had already suffered incarceration for nearly 35 days, this Court is inclined to grant bail to the petitioner.

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 learned Sessions Court for Mahila Neethi Mandram, (Fast Track Mahila Court), Erode 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 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.

-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.



1 THE SESSIONS COURT FOR MAHILA NEETHI MANDRAM,
(FAST TRACK MAHILA COURT), ERODE.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SATHYAMANGALAM, ERODE.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, GOPICHETTPALAIYAM, ERODE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. R.THIRUMOORTHY Advocate on payment of necessary
charges

CRL OP.12298/2022

Date :23/05/2022

CSK 24/05/2022