



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.15411 of 2022

Vishnu

...Petitioner

Vs.

State, Rep. by
The Inspector of Police,
Central Police Station,
Tirupur City.
Crime No.169 of 2022

...Respondent

PRAYER:-Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.169 of 2022 on the file of the respondent police.

For Petitioner : Mr.Deepanuday

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.03.2022 for the offence under Sections 366-A of IPC and Section 7 and 8 of POCSO Act in Crime No.169 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner fell in love with the victim minor girl, who is aged about 16 years and further it is alleged that the petitioner compelled the victim girl and influenced her to elope with him. Hence, the father of the victim girl lodged a complaint against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any such offence as alleged by the prosecution. That apart, the petitioner was arrested and remanded to judicial custody on 31.03.2022. Hence, he prays for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor submitted that the statement of the victim girl under Section 164 of Cr.P.C was also recorded and the investigation almost completed. However, he opposed to grant bail to the petitioner.

5. On perusal of the statement of the victim girl recorded under Section 164 of Cr.P.C reveals that the petitioner did not committed any sexual assault on the victim girl.

6. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner i.e., from 31.03.2022, this Court is inclined to grant bail to the petitioner.

7. Accordingly, 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 blood related sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Neethimandram (FTMC), 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 twice daily at 10.30 a.m., and 4.30 p.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.

WEB COPY

-sd/-

05/07/2022

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 SESSIONS JUDGE,
MAGALIR NEETHIMANDRAM (FTMC),
TIRUPPUR.

2 THE INSPECTOR OF POLICE
CENTRAL POLICE STATION,
TIRUPPUR CITY.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.15411/2022

Date :05/07/2022

CSK 06/07/2022