

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2022

CORAM

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

Crl.OP.No.17011 of 2022

Selvakumar

...Petitioner

Vs.

State rep. By
Inspector of Police,
Udumalpet Police Station,
Tiruppur District.
(Crime No.87 of 2022)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Spl.S.C.No.51 of 2022 on the file of Hon'ble Sessions Judge, Magalir Neethimandram (FTMC), Tiruppur.

For Petitioner : Mr.N.Ponraj

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.02.2022 for the offences punishable under Section 5(1) r/w 6 of POCSO Act-2012 and Section 366(A) of IPC in crime No.87 of 2022 in Spl.S.C.No.51 of 2022 on the file learned Sessions Judge, Magalir Neethimandram (FTMC), Tiruppur, seeks bail.

2. The case of the prosecution is that victim girl and the petitioner were in love. While being so, it is alleged that on 06.02.2022, the petitioner made the victim girl to come out from her home and they went to various places for few days and they had sexual intercourse. Hence, the complaint.

3. On perusal of the statement recorded under Section 164 of Cr.P.C. it is seen that the petitioner fell in love with the victim girl aged about 16 years. They eloped to Palani and thereafter went to Theni. However, they had no physical relationship.

4. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e., 24.02.2022, this Court is inclined to grant bail to the petitioner. Accordingly, the 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 5.30 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.

-sd/-
21/07/2022

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
UDUMALPET POLICE STATION,
TIRUPPUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to MR.N.PONRAJ Advocate on payment of necessary charges

CRL OP.17011/2022

Date :21/07/2022

TA-25/07/2022