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Crl.OP.No.21281 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21281 of 2022

Saran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Nallur Police Station,
Tiruppur .
(Crime No.210/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to grant bail to the petitioner in Crime No.210 of 2022 pending
investigation on the file of the respondent Police.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 20.07.2022 for the offences punishable under Section 366(A) of
IPC and Section 5(1) r/w 6 of POCSO Act, in Crime No.210 of 2022 on the
file of the respondent police, seeks bail.



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2. The case of the prosecution is that the accused kidnapped the minor daughter of the de-facto complainant and committed penetrative sexual assault on her. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner, who is a young boy aged about 20 years, without much knowledge and without understanding the consequences, had eloped with the victim girl. He would further submit that the victim girl is now been secured and joined with her parents. He would also submit that major part of the investigation is over and the 164 statement has been recorded from the victim girl, where in she had stated that on her own volition she went along with the petitioner. The learned counsel would submit that the petitioner is in custody from 20.07.2022. Hence, he prays for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is aged about 20 years and he had induced the minor daughter of the de-facto complainant and taken away her and committed penetrative sexual assault on her. He would further submit that later on coming to know about the registration of



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the case, the petitioner left the victim girl in a party office and the petitioner was arrested on 20.07.2022. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record, including the 164 statement recorded from the victim girl.

6. Taking into consideration the facts and circumstances of the case, 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.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Mahila Court, Tiruppur District**, 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;



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[b] the petitioner shall stay at Erode and report before the Inspector of Police, Erode Town Police Station every day at 10.30 a.m. for a period of two weeks and thereafter, every Monday at 10.30 a.m., until further orders and the petitioner shall not enter into the jurisdictional limit of the respondent Police station, till the examination of the victim girl;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

09.09.2022

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To

1. The Mahila Court,
Tirupur District.
2. The Inspector of Police,
Nallur Police Station,
Tirupur .
3. The Sub Jail, Tiruppur.
4. The Inspector of Police,
Erode Town Police Station,
Erode.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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