



Crl.O.P.No.21674 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2022

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

Crl.O.P.No.21674 of 2022

Karan @ Kalaiselvan

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
All Women Police Station,
Tiruvarur, Tiruvarur District.

(Crime No.16/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in connection
with the Crime No.16 of 2022 on the file of the respondent Police.

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.07.2022 for the offences punishable under Sections 6 & 5(1) of Prevention of Child from Sexual Offences Act, 2012, in Crime No.16 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner had committed the sexual assault on the victim girl. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person. He would further submit that the petitioner and victim girl is known to each other and there was a love affair between them and in order to split their relationship, a false complaint has been given against the petitioner. He would also submit that the petitioner understands that even in the 164 statement recorded from the victim girl, she has not stated that the petitioner had committed sexual assault on her. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (CrI.Side) appearing for the respondent would submit that the petitioner had committed sexual assault on the victim girl, due to which the petitioner was arrested on 20.07.2022. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.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 and the submissions made by the learned counsel for the petitioner and taking note of the 164 statement recorded from the victim girl, this Court is inclined to grant bail to the petitioner.

7. 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



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learned Mahila Court (Judicial Magistrate Level), Thiruvavarur, 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 everyday 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]**;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

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To

1. The Mahila Court (Judicial Magistrate Level),
Thiruvarur.
2. The Sub-Inspector of Police,
All Women Police Station,
Tiruvarur, Tiruvarur District.
3. The District Jail,
Nagapattinam.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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