



Crl.O.P.No.22433 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2022

CORAM

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

Crl.O.P.No.22433 of 2022

Gopi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Tiruvarur,
Tiruvarur District.
Crime No.12 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in respect of the Crime No.12 of
2022 on the file of the respondent police.

For Petitioner : Mr.S.Sekar

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 14.06.2022 for the offences punishable under Sections 5(1) and 6 of POCSO Act, 2012, in Crime No.12 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was love affair between the petitioner and the victim minor girl, who is aged about 16 years and thereby, on a false promise of marrying her, the petitioner had committed penetrative sexual assault on the victim minor girl on several occasions. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that the petitioner and the victim minor girl had love affair, since, it was objected to by the parents of the victim, a false complaint has been given as against the petitioner. He would further submit that the petitioner without understanding the rigours and consequences of POCSO



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Act, had entered into love affair with the victim minor girl. He would also submit that the petitioner understands that the 164 of Cr.P.C., statement has been recorded from the victim girl, where she has stated that she was having love affair with the petitioner and that the mother of the victim did not like it, she had given a complaint as against the petitioner and that there is no mistake on the part of the petitioner. He would also reiterate that the petitioner is in custody from 14.06.2022. Therefore, 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 there was love affair between the petitioner and the victim minor girl, who is aged about 16 years and thereby, on a false promise of marrying her, the petitioner had committed penetrative sexual assault on the victim minor girl on several occasions. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials



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available on record including the statement recorded from the victim girl under Section 164 of Cr.P.C.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also the period of incarceration suffered by the petitioner and also taking note of the fact that the statement recorded from the victim girl under Section 164 of Cr.P.C., 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate Court, Thiruvarur**, 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 stay at Trichy and



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report before the Inspector of Police, Cantonment Police Station, Trichy, daily 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]**;

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

20.09.2022

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To

1. The Judicial Magistrate, Thiruvarur.
2. The Inspector of Police,
All Women Police Station,
Tiruvarur,
Tiruvarur District.
3. The Superintendent,
District Prison,
Nagapattinam.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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