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Crl.O.P.No.22814 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **21.09.2022**

CORAM

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

Crl.O.P.No.22814 of 2022

Arunkumar

... Petitioner

Vs.

State by
The Inspector of Police,
All Women Police Station,
Hosur,
Krishnagiri District.
(Crime No.30 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.30 of 2022 on the file of
Inspector of Police, All Women Police Station, Hosur, Krishnagiri District.

For Petitioner : Mr.M.R.Elavarasan

For Respondent : Mr.C.E.Pratap,
Government Advocate



CrI.O.P.No.22814 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.08.2022 for the offences punishable under Sections 363, 366, 506(i) of IPC and Section 3, 4 of POCSO Act in Crime No.30 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the victim girl is that the petitioner in the guise of giving lift to her had taken her to his house and on promise of marrying her, had sexual intercourse with her and also threatened her not to reveal it to others. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person, aged about 21 years, without understanding the consequences and rigours of the Protection of Children from Sexual Offences Act, had a relationship with the victim girl. He would further submit that the petitioner and victim girl are known to each other for a long time and there was a love affair between them and due to which, they had a consensual relationship. He would further submit that the victim has



Crl.O.P.No.22814 of 2022

been subjected to medical examination and her statement is also recorded under Section 164 of Cr.P.C. Hence, he prays for grant of bail to the petitioner.

4. Per contra, learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner had kidnapped the victim girl under the guise of giving lift to her and taken her to his house and had sexual intercourse with her. Therefore, the petitioner was arrested by the respondent Police on 02.08.2022. He would also submit that investigation is pending and that the statement of the victim girl under Section 164 of Cr.P.C has also been recorded. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned 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 and taking note of the 164 statement recorded from the victim girl and



Crl.O.P.No.22814 of 2022

also the period of incarceration suffered by the petitioner from 02.08.2022, 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 Sessions Judge, Fast Track Mahila Court, Krishnagiri** 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 Mecheri and report before the Mecheri Police Station, 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;



CrI.O.P.No.22814 of 2022

[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.

21.09.2022

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To

1. The Sessions Judge, Fast Track Mahila Court, Krishnagiri.
2. The Inspector of Police,
All Women Police Station,
Hosur,
Krishnagiri District.
3. The District Jail,
Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.22814 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.22814 of 2022

21.09.2022