



Crl.O.P.No.23332 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM

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

Crl.O.P.No.23332 of 2022

Murugan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station, Hosur,
Krishnagiri District.
(Crime No.3 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.3 of 2022 on the file of
the respondent Police.

For Petitioner : Mr.P.M.Jayachandran

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 08.08.2022 for the offences punishable under Sections 363, 366 of IPC and Section 5(1), 5(j)(ii), 6(1) of POCSO Act in Crime No.3 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had committed penetrative sexual assault on the victim girl aged 16 years, due to which, she became pregnant. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl are cousins and they have grown up together. The petitioner and the victim girl, without understanding the consequences and rigors of the POCSO Act, had entered into a physical relationship, due to which, the victim girl got pregnant. He would also submit that the victim girl has also given statement under Section 164 of Cr.P.C, wherein she has stated that there was relationship between them. He would submit that the medical examination and the investigation in respect



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of the petitioner and victim girl has been completed. 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 had committed penetrative sexual assault on the victim girl who is his uncle's daughter. He would submit that the victim girl has become pregnant and she was brought to the hospital and on the complaint given by the Child Welfare Committee, the case has been registered. He would submit the medical examination and the investigation in respect of the petitioner and victim girl has been completed. Hence, he opposed for grant of 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 statement under Section 164 of Cr.P.C given by the victim girl.



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also considering the period of incarceration suffered by the petitioner, 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 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 report before the respondent Police 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



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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.

26.09.2022

vkr

To

1. The Fast Track Mahila Court, Krishnagiri.
- 2.The Inspector of Police,
All Women Police Station, Hosur,
Krishnagiri District.
3. The Central Prison,
Salem.
- 4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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