



WEB COPY



Crl.O.P.No. 24707 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

CORAM

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

Crl.O.P.No. 24707 of 2022

P.Tamilselvan

... Petitioner

Vs.

The State
Rep.by the Inspector of Police,
All Women Police Station - Tiruppur North,
Tiruppur District.
(Crime No.16 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 Crime No.16 of 2022
on the file of Inspector of Police, All Women Police Station - Tiruppur
North, Tiruppur District.

For Petitioner : Mr.S.B.Viswanathan

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



CrI.O.P.No. 24707 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.06.2022, for the offences punishable under Sections 376(3) & 354(A)(1)(i) of IPC, Sections 4(2), 3(a), 6(1), 5(j)(ii), 5(l), 8, 7, 10 and 9(l) of the POCSO Act, 2012, in Crime No.16 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/minor victim girl is that the accused is the neighbour of her sister and that when she had come from Kerala to her sister's house, the accused befriended her and had penetrative sexual assault on her twice, due to which, she became pregnant and later she had aborted, by taking abortion pills. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is aged about 21 years at the time of occurrence and the petitioner without understanding the rigours and consequences of the POCSO Act, befriended the victim girl and during the friendship he had



Crl.O.P.No. 24707 of 2022

moved physically with her. He would also submit that the petitioner is in custody from 30.06.2022. He would further submit that the petitioner understands that the statement has been recorded from the victim girl under Section 164 of Cr.P.C., wherein, she has stated that there was friendship and love affair between the petitioner and the victim girl. He would also state that the investigation has been completed and the final report has also been filed in Spl.S.C.No.134 of 2022 on the file of the Magalir Neethimandram, Fast Track Mahila Court, Tiruppur and the case now stands posted for trial. 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 the petitioner is the neighbor of the victim girl's sister. The victim girl had come from Kerala during the Covid period and at that time, the petitioner pretended her and had penetrative sexual assault on her twice, due to which, she became pregnant and later she had aborted, by taking abortion pills. He would further submit that the investigation has been completed and the case is now pending trial on the file of the learned Magalir Neethimandram, Fast Track Mahila Court,



Tiruppur. Therefore, 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 statement recorded from the victim girl under Section 164 of Cr.P.C.

6. Taking into consideration the facts and circumstances of the case and the submission made by the learned counsel and also the period of incarceration suffered by the petitioner and also taking note of the fact that the case now stands posted for trial, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties (out of which one surety should be a blood related surety, either the father or mother of the petitioner)**, each for a like sum to the satisfaction of the **learned Magalir Neethimandram,**



CrI.O.P.No. 24707 of 2022

Fast Track Mahila Court, Tiruppur 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 learned Magalir Neethimandram, Fast Track Mahila Court, Tiruppur, on all working days, at 10.30 a.m., for a period of 4 weeks and thereafter, on the dates fixed by the trial Court;

[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



WEB COPY



CrI.O.P.No. 24707 of 2022

can be registered under Section 229A IPC.

13.10.2022

rgi

To

1. The Magalir Neethimandram,
Fast Track Mahila Court, Tiruppur
2. The Inspector of Police,
All Women Police Station - Tiruppur North,
Tiruppur District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No. 24707 of 2022

A.D.JAGADISH CHANDIRA., J.

rgi

Crl.O.P.No. 24707 of 2022

13.10.2022