



Crl.O.P.No.24827 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

CORAM

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

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Mr.Raja

... Petitioner

Vs.

State : Inspector of Police,
All Women Police Station,
Krishnagiri,
Krishnagiri District.
Crime No.40 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to release the petitioner on bail pending investigation in Crime No:40
of 2022 on the file of the respondent.

For Petitioner : Mr.M.P.Saravanan

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 26.09.2022, for the offences punishable under Sections 363 & 366 of IPC, Sections 5(1), 6, 16 & 17 of POCSO Act, 2012 and Sections 9 & 10 of Prevention of Child Marriage Act, 2006, in Crime No.40 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that A1 kidnapped the victim girl, who was studying 12th standard, from her lawful guardianship and thereafter, committed penetrative sexual assault on her. The allegation as against the petitioner is that he being the friend of A1, had given asylum to the accused and the victim. 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 has been implicated in this case, since, he happens to be the friend of A1. He would further submit that A1 had kidnapped the minor victim girl from her lawful guardianship and



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thereafter, he had gone to the house of the petitioner and thereby, the petitioner has given asylum to them and thereby, the petitioner has been falsely implicated in this case. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner is the friend of the main accused/A1. He would also submit that A1 had kidnapped the minor victim girl and committed penetrative sexual assault on her. He would further submit that the petitioner, who is the friend of A1 had given asylum to A1 and the victim girl. He would also state that the victim has been secured and she has given a statement under Section 164 of Cr.P.C., wherein, she has stated that she stayed in the house of the petitioner. However, he would fairly concede that there is no allegation of sexual assault as against the petitioner.

5. Heard both the learned counsel and perused the materials available on record including the statement recorded from the victim girl under Section 164 of Cr.P.C.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel 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 petitioners.

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 report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;



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[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.

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To

1. The learned Sessions Judge,
Fast Track Mahila Court, Krishnagiri.
2. The Inspector of Police,
All Women Police Station,
Krishnagiri,
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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