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CrI.OP.No.25555 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.25555 of 2022

Gokulakannan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Amaravathi Police Station,
Tiruppur District.
(Crime No.34 of 2022)

...Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending trial in Crime No.34 of 2022 on the file of the respondent Police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.04.2022 at the hands of the respondent police for the offences punishable under Sections 343, 376(3) and 366 IPC and Section 5(1) r/w 6 of Protection of



Crl.OP.No.25555 of 2022

Children from Sexual Offences (POCSO) Act, 2012, in Crime No.34 of 2022,
seeks bail.

2. The case of the prosecution is that the petitioner under the pretext of marriage, kidnapped the minor victim girl, who is aged about 16 years and also had committed penetrative sexual assault on her. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner was arrested and remanded to judicial custody on 28.04.2022.. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner kidnapped the minor victim girl and had penetrative sexual assault on her. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that the victim girl fell in love with the petitioner and thereafter, eloped and stayed together and they also had physical relationship. Thereafter, on complaint, she was secured and the petitioner was arrested. After completion of investigation, the respondent filed final report and the same has



Crl.OP.No.25555 of 2022

been taken cognizance in Spl.SC.No.85 of 2022 on the file of the learned Sessions Judge, Mahalir Neethimandram, (FTMC), Tiruppur. The victim girl was examined as PW1 and she deposed that she fell in love with the petitioner, after her parents came to know about them, her mother lodged a complaint. After the complaint, she was returned to her house.

6. Considering the above facts and circumstances of the case and also considering the period of incarceration by the petitioner from the date of his arrest viz.,28.04.2022, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with **two blood related sureties**, each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram, (FTMC), 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.



Crl.OP.No.25555 of 2022

[b] the petitioner shall report before the trial Court on all working days at 10.30 a.m., and 05.30 p.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 absconds, a fresh FIR can be registered under Section 229A IPC.

19.10.2022

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G.K.ILANTHIRAIYAN, J.



Crl.OP.No.25555 of 2022

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To

- 1.The learned Sessions Judge, Mahalir Neethimandram, (FTMC),
Tiruppur.
- 2.The Inspector of Police,
Amaravathi Police Station,
Tiruppur District.
3. The District Jail,
Tiruppur.
- 4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.25555 of 2022

19.10.2022