



Crl.O.P.No.27114of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM

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

Crl.O.P.No.27114 of 2022

Arulmarch

... Petitioner

Vs.

State,Rep.by,
The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
(Crime No.430 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in the Crime No.430 of 2022 on the
file of the respondent.

For Petitioner : Mr.M.Vijaya Ragavan

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 03.10.2022 for the alleged offences punishable under Section 366A of IPC and Section 5(i) r/w 6 of Protection of Children from Sexual Offences Act, 2012 in Crime No.430 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner kidnapped the minor victim girl and committed sexual assaulted on her repeatedly. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl are known to each other. Coming to know about their friendship, the victim girl aged about 17 years was reprimanded by her parents and she had eloped from her house and on her compulsion, the petitioner travelled along with her to Thiruppur. He would further submit that she had threatened the petitioner that if he does not take along with him, she would commit suicide by consuming poison and thereafter, they are living in Thiruppur and working in a Baniyan Company and later they came to know about the registration of the case, the petitioner and the victim girl returned back to their native place and their the petitioner



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was arrested. He would submit that the major part of the investigation is over and the statement has also been recorded from the victim under Section 164 of Cr.P.C wherein she has stated that on her compulsion only the petitioner had taken the victim to Thiruppur. Hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner kidnapped the minor victim girl aged about 17 years and taken her to Thiruppur and committed repeated sexual assaulted on her. He would submit that the major part of the investigation has been over and also the statement of the victim girl under Section 164 of Cr.P.C has been recorded. Hence, he would vehemently oppose 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 164 statement recorded from the victim.

6. Taking into consideration the facts and submissions made by both counsel, this Court is inclined to grant bail to the petitioner.



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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**, each for a like sum to the satisfaction of the **learned Sessions Judge, Fast Track Mahila Court, Thiruvarur** 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 and thereafter on every Saturday 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 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



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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.

09.11.2022

Vv



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To

1. **The Sessions Judge, Fast Track Mahila Court,
Thiruvavarur .**
2. The The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvavarur District.
3. The Sub Jail, Thiruthuraipoondi
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Vv

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