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Crl.OP.No.26922 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

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

Crl.OP.No.26922 of 2022

Murugan

..Petitioner

Vs.

The State Represented by,
Inspector of Police,
Peralam Police Station,
Thiruvarur District.
Crime No. 432 of 2022

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with Crime
No.432/2022 on the file of respondent police.

For Petitioner : Mr.M.Ragul Kousik

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 12.10.2022 for the offences punishable under Sections 366 (A) IPC, 5(1), 6 of Protection of Child from Sexual Offences Act, 2012 in Crime No.432 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner kidnapped the victim minor girl and thereby committed repeated penetrative sexual assault on her. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person. He would further submit that the petitioner and the victim girl became friends in Face Book. Later, since it came to the knowledge of the parents, the victim had eloped with petitioner from the house and the petitioner and the victim stated to have been stayed together in the house of the petitioner for two days. Later coming to knowledge about the registration of the case, the petitioner had voluntarily surrendered before the respondent police and thereafter remanded to judicial custody. He would further submit that, the petitioner



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had not committed penetrative sexual assault on the victim girl under compulsion. He would further submit that the petitioner is in custody from 21.09.2022. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner had kidnapped the minor victim girl and taken her to his house and there, he had committed penetrative sexual assault on her. However, he would further submit that the statement recorded under Section 164 of Cr.P.C. revealed that there is no allegation of sexual assault made by the victim girl against the petitioner. However, he opposed to grant bail to the petitioner.

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

6. Taking into consideration the facts and submissions and the period of incarceration of the petitioner from the date of his arrest and also



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considering that no allegation of sexual assault was made in the statement of the victim girl recorded under Section 164 of Cr.P.C, 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 learned **Sessions Judge, Fast Track Mahila Court, Thiruvavarur** 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 All Women Police Station, Nannilam 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.



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[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.

04.11.2022

Sma

To

1.The Sessions Judge, Fast Track,
Mahila Court, Thiruvarur.

2.Inspector of Police,
Peralam Police Station,
Thiruvarur District.

3.Central Jail,
Nagapattinam.

4.The Public Prosecutor,
High Court of Madras



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A.D.JAGADISH CHANDIRA, J.

Sma

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