



Crl.O.P.No.27385of 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.27385 of 2022

Mohan Raj

... Petitioner

Vs.

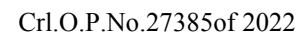
State,Rep.by,
Inspector of Police,
All Women Police Station,
Uthukottai, Tiruvallur District.
(Crime No.11 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in the Crime No.11 of 2022 on the
file of the respondent.

For Petitioner : Mr.C.Iyyapparaj

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



<https://www.mhc.tn.gov.in/judis>



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account of the family members of the petitioner refusing for marriage and the complaint has also been given after the victim had attained majority. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that it is a case where the petitioner had deceived the victim girl and taken her to his house where he had physical affair with the victim girl and later the victim and the petitioner had physical relationship on several occasions. Later, the petitioner's step father, on coming to know of the relationship, also taken the victim to the lodge and had committed sexual assault on her after she attained majority. He would fairly concede that the statement has been recorded from the Manager of the lodge wherein he has stated that the room was booked by the victim girl. However, 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 and the period of incarceration undergone by the petitioner.

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 Mahila Court, Thiruvallur** 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 four weeks 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 in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;



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[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 **Mahila Court, Thiruvallur**
2. The Inspector of Police,
All Women Police Station,
Uthukottai, Tiruvallur District.
3. The Central Prison, Puzhal
4. The Public Prosecutor,
High Court of Madras.



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Vv

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