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Crl.O.P.No.29873 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM

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

Crl.O.P.No.29873 of 2022

Sankari

...Petitioner

Vs.

State rep. by.,
The Inspector of Police,
All Women Police Station,
Perambalur.
(Crime No.48 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioner on bail pending investigation in Crime
No.48 of 2022 on the file of the Respondent.

For Petitioner : Mr.T.Gopinath

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 15.10.2022 for the offences punishable under Sections 5(l), 5(j)(ii), 6, 16, 17 of Protection of Children from Sexual Offences Act in Crime No.48 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim girl aged about 17 years is a mentally retarded person. The allegation is that the first accused in this case had committed penetrative sexual assault on the victim girl in the petitioner's house and thereby the petitioner was watching the same. Hence, the case.

3.The learned counsel appearing for the Petitioner would submit that false case has been foisted against the Petitioner. Hence, he prays for grant of bail to the Petitioner.



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4.The learned Government Advocate (Crl.Side) would submit that there are totally two accused in this case and the petitioner was arrayed as A2. He would further submit that the statement of the victim girl under Section 164 of Cr.P.C has also been recorded. However, he opposed to grant bail to the Petitioner.

5. On perusal of the statement of the victim girl under Section 164 of Cr.P.C., revealed that the first accused through the petitioner called the victim minor girl aged about 17 years. Thereafter, the first accused had committed penetrative sexual assault on her in the petitioner's house.

6. Taking into consideration the facts of the case and also the period of incarceration by the Petitioner, 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 their executing separate bond for a sum of **Rs.10,000/-** (Rupees ten thousand only) with **two sureties**, each for a like sum to the satisfaction



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of learned Sessions Judge, Mahila Court, Perambalur 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 twice daily at 10.30 a.m., and 04.30.p.m., for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

02.12.2022

sma

To

1. The Sessions Judge, Mahila Court,
Perambalur.
2. The Inspector of Police,
All Women Police Station,
Perambalur.
3. Special Prison for Women,
Trichy.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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