



Crl.O.P.No.31066 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2022

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.31066 of 2022

Ilayaraja

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Tiruppur South.
Tiruppur District.

(Crime No.1/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.1 of
2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Conscious Ilango

For Respondent : Mr.S.Vinoth KUMar
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.01.2022 for the alleged offences punishable under Sections 5(1) & 6 of Protection of Child from Sexual Offences Act, 2012 in Crime No.1 of 2022, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused induced the minor girl and committed repeated penetrative sexual assault on her for the past three years. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that this is the fourth application for bail before this Court and this Court earlier dismissed the first bail application stating that the examination of LW1 is pending and other two applications for bail have been dismissed as withdrawn. He would further submit that the examination of LW1 was completed and the co-accused in this case has already been granted bail by this Court in Crl.O.P.No.21932 of 2022 on 19.09.2022 and thereby, he prays for grant of bail to the petitioner.



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4.Per contra, the learned Government Advocate (Crl.Side) would submit that the petitioner, whose age is about 32 years, had ravished the minor girl and along with his friend, induced her and committed penetrative sexual assault on her. He would also submit that the investigation has completed and the final report has also been filed and the case is now posted on 09.01.2023 before the trial Court for examination of other witnesses. Therefore, he vehemently opposed to grant bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone 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 his executing a bond for a sum of **Rs.10,000/-(Rupees Ten Thousand only)**



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with **two sureties**, each for a like sum to the satisfaction of the **learned**

Judge, Fast Track Mahila Court, 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;

[b] the petitioner shall report before the trial Court on every Wednesday and Friday at 10.30 a.m., apart from the regular Court hearings, till the disposal of the case.

[c]the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d]the petitioner shall not abscond 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]*; and;



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[f]if the accused thereafter absconds, a fresh FIR
can be registered under Section 229-A IPC.

15.12.2022

vk

To

- 1.The Judge,
Fast Track Mahila Court, Tiruppur.
- 2.The Inspector of Police,
All Women Police Station,
Tiruppur South.
Tiruppur District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI,J.

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