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CrI.OP.No.31902 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2022

CORAM

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

CrI.OP.No.31902 of 2022

G.Madhankumar

..Petitioner/A2

Vs.

State by:

Inspector of Police,

AWPS, Harur

(crime No.11 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in crime No.11 of 2022 pending
investigation on the file of the respondent police.

For Petitioner : Mr.T.Shanmugaboopathi

For Respondent : Mr.V.J.Priyadarsana,
Government Advocate

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 27.08.2022 for the offences punishable under Sections 5(1),



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5(m) r/w Section 6(1) of POCSO Act and Section 506(i) of IPC in crime No.11 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the victim girl aged about 12 years and when she had gone to the house of the petitioner, the petitioner had committed 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 and he has been falsely implicated in this case. He further submitted that the co-accused was already granted bail by the lower court in Crl.MP.No.1240 of 2022 on 03.10.2022 itself. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate appearing for the respondent / police also submitted that the co-accused was granted bail by the lower court in Crl.MP.No.1240 of 2022 on 03.10.2022. However, he vehemently opposed to grant bail to the petitioner.



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5. Considering the period of incarceration by the petitioner and also considering that the co-accused person has been granted bail by the court below, this Court is inclined to grant bail to the petitioner. 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) with two sureties, each for a like sum to the satisfaction of the learned Fast Track Mahila Court, Dharmapuri 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. and 05.30 p.m. for a period of four weeks and thereafter 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



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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.

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G.K.ILANTHIRAIYAN, J.

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To

- 1.The learned Fast Track Mahila Court,
Dharmapuri
2. Inspector of Police,
AWPS, Harur
- 3.District Prison,
Dharmapuri
- 4.The Public Prosecutor,
High Court of Madras

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