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Crl.O.P.No.1328 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2023

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

Crl.O.P.No.1328 of 2023

Aravind

... Petitioner

Vs.

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

(Crime No.7 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending trial in Spl.S.C.No.150 of
2022, pending on the file of the learned Sessions Judge, Mahalir
Needhimandram (FTMC), Tiruppur.

For Petitioner : Mr.S.P.Meenakshi Sundharam

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 19.08.2022, for the alleged offences punishable under Sections 5(l), 5(j)(ii) r/w 6 of Protection of Children from Sexual Offences Act, 2012, and Section 506(ii) of IPC, in Crime No.7 of 2022, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the accused have committed penetrative sexual assault on the minor victim girl aged about 15 years, due to which she become pregnant and later, it was aborted. Hence the case.

3. Learned counsel appearing for the petitioner submitted that this the second bail application of the petitioner before this Court and this Court had earlier dismissed the bail application filed by the petitioner in Crl.O.P.No.31038 of 2022 vide order dated 15.12.2022. He further submitted that the co-accused in this case has been released on bail based on the order passed by the lower Court. He also submitted that the petitioner is in custody from 19.08.2022 and the investigation is also completed. He further stated that he is ready to abide by any stringent conditions that may be imposed by this



Court. Hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner has induced the minor victim girl and committed penetrative sexual assault on her, due to which she become pregnant and it has been aborted and also stated that this is the second bail application of the petitioner. He further submitted that the investigation has been completed and the statement has also been recorded from the victim girl under 164 Cr.P.C. He further stated that the case was taken up on the file of the learned Sessions Judge, Mahalir Needhimandram (FTMC), Tiruppur in Spl.S.C.No.150 of 2022, however, he opposed 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 statement recorded from the victim girl under 164 Cr.P.C.

6. Taking into consideration the facts and circumstances of the case and taking note of the fact that the investigation has been completed and also



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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)** with **two sureties** (out of which, one should be the blood surety, who should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Sessions Judge, Magalir Neethimandram, (FTMC), 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 respondent police on every Wednesday 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation;

(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,



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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;

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

25.01.2023

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To

1. The Sessions Judge,
Magalir Neethimandram, (FTMC),
Tiruppur.
2. The Inspector of Police,
All Women Police Station,
Avinashi, Tiruppur District.
3. The Central Prison,
Tiruppur.
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI,J.

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