



Crl.O.P.No.731 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2023

CORAM

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

Crl.O.P.No.731 of 2023

Krishnan @ Gopalakrishnan

... Petitioner

Vs.

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

(Crime No.24 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.24
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.N.Ponraj

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



WEB COPY



CrI.O.P.No.731 of 2023

ORDER

The petitioner who was arrested and remanded to judicial custody on 12.10.2022 for the offences under Sections 9(m) r/w 10 Protection of Child from Sexual Offences Act 2012, in Crime No.24 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant is that the petitioner, who is the next door neighbour of the de-facto complainant in a rental house, has committed sexual assault on the de-facto complainant's child, aged about 7 years. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is the next door neighbour of the de-facto complainant and due to the previous enmity, the de-facto complainant has given a false complainant against him. He also stated that the petitioner is in custody from 12.10.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. hence, he prays to grant bail to the petitioner.



Crl.O.P.No.731 of 2023

WEB COPY

4. Learned Government Advocate (Crl.Side) submitted that the petitioner, who is neighbour of the de-facto complainant, has committed sexual assault on the de-facto complainant's minor child, aged about 7 years. He further submitted that the statement was recorded from the victim girl under Section 164 of Cr.P.C. He also stated that the investigation is almost completed and also submitted that if the bail is granted to the petitioner, there is every possibility of the petitioner to influence the victim girl and thereby he 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 statement recorded from the victim girl under 164 Cr.P.C.

6. Taking into consideration the facts and circumstances of the case and the submission made by the learned counsel and also considering the fact that the major part of the investigation is over, this Court is inclined to grant bail to the petitioner.



WEB COPY



CrI.O.P.No.731 of 2023

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 should stay away from the home or vacate the premises and he should not communicate with the victim girl;

(c) the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of three months and thereafter, as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions,



CrI.O.P.No.731 of 2023

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;

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

19.01.2023

ham

To

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



WEB COPY



Crl.O.P.No.731 of 2023

T.V.THAMILSELVI,J.

ham

Crl.O.P.No.731 of 2023

19.01.2023