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Crl.O.P.No.918 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2023

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

Crl.O.P.No.918 of 2023

Sentamil Selvan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Mettupalayam Police Station,
Coimbatore District.

(Crime No.847 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.847
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Sasikumar
for P.Kali Muthu
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 03.11.2022 in Crime No.847 of 2022 which is initially registered for "girl missing" and later, altered to the alleged offence punishable under Section 366 IPC & Sections 5(1), 6 of Protection of Children from Sexual Offences Act, 2012, on the file of the respondent Police, seeks bail.

2. On the complaint given by the de-facto complainant that her daughter aged about 17 years was found missing, a case in crime No.847 of 2022 has been registered by the respondent Police for "girl missing". During the course of investigation, it came to light that the accused had kidnapped the victim girl and committed penetrative sexual assault on her. Thereby, the case has been altered to the offence punishable under Section 366 IPC & Sections 5(1), 6 of Protection of Children from Sexual Offences Act, 2012. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given as



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against him. He further submitted that the petitioner was having a love affair with the daughter of the de-facto complainant/victim minor girl, aged about 17 years and he was no way connected with the alleged offence. He also submitted that the petitioner, without understanding the consequences and rigours of the Protection of Children from Sexual Offences Act, had a love affair with the minor victim girl. He further submitted that the petitioner is in custody from 03.11.2022. 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 had kidnapped the minor victim girl of the de-facto complainant from her legal guardianship and committed penetrative sexual assault on her. He further submitted that the minor victim girl has been secured and handed over to her parents and the statement has also been recorded from the victim girl under 164 Cr.P.C. He also stated that the investigation is almost completed, 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



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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 statement recorded under Section 164 Cr.P.C. from the victim girl and also considering the fact that major part of the investigation is over, this Court is inclined to grant bail to the petitioner.

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 Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore**, 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 Saturday 10.30 a.m., for a period of three months and thereafter, as and when



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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, 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.

19.01.2023

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T.V.THAMILSELVI,J.

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To

1. The Principal Special Court
for Exclusive Trial of Cases under POCSO Act,
Coimbatore.
2. The Inspector of Police,
Mettupalayam Police Station,
Coimbatore District.
3. The Central Jail,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

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