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Crl.O.P.No.876 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.876 of 2023

Riyas Ahamed

... Petitioner

Vs.

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

(Amended as per the order passed by this Court
in Crl.M.P.No.918 of 2023 dated 25.01.2023)

(Crime No.687 of 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.687
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Thinesh

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



CrI.O.P.No.876 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.11.2022 in Crime No.687 of 2022 which is initially registered for the offence under Section 366(A) of IPC and later, altered to the alleged offence punishable under 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 minor daughter aged about 17 years was missing, a case in Crime No.687 of 2022 has been registered by the respondent Police for the offence under Section 366(A) of IPC. 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 Sections 5(1) r/w 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 against him. He further submitted that the petitioner and the victim minor girl,



Crl.O.P.No.876 of 2023

aged about 17 years, are known to each other and they was a love affair between them and when the family members of the victim girl came to know about their affair, they reprimanded her, thereby, the victim girl on her own volition had come with the petitioner. He further stated that the petitioner without understanding the consequences and rigours of the Protection of Children from Sexual Offences Act, had taken the minor victim girl with him. He also submitted that the petitioner on coming to know about the case registered against him by the de-facto complainant, he along with the victim girl surrendered before the respondent Police. He also stated that the petitioner understands that the statement has been recorded from the victim girl under Section 164 Cr.P.C, wherein, she had admitted that there was a love affair between them. He also 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 the statement has also been recorded from the



Crl.O.P.No.876 of 2023

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 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 wherein, she admits that there was a love affair between her and the petitioner and on her own volition, she gone along with 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,**



CrI.O.P.No.876 of 2023

(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, 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;



WEB COPY



Crl.O.P.No.876 of 2023

T.V.THAMILSELVI,J.

(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,
Tiruppur South, Tiruppur District.
3. The Central Prison,
Tiruppur.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.876 of 2023

2/2