



Crl.O.P.No.1715 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2023

CORAM

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

Crl.O.P.No.1715 of 2023

Sasi Kumar

... Petitioner

Vs.

The State by,
The Inspector of Police,
All Women Police Station,
Thiruthuraipoondi ,Thiruvarur District.
(Crime No.11/2022).

... 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.11
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.S. Arivazhagan

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



Crl.O.P.No.1715 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.08.2022 for the offences punishable under Sections 366(A) of IPC and Section 3(b), 3(c) and 4 of POCSO Act, 2012 in Crime No.11 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner committed penetrative sexual assault on the minor victim girl, due to which she was suffering physically and mentally. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he is in custody from 13.08.2022 and hence, he prayed for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent that the petitioner had committed penetrative sexual assault on the minor victim girl, due to which she was suffering physically and



Crl.O.P.No.1715 of 2023

mentally. He further submitted that 164 Cr.P.C statement has been recorded from the victim girl. Hence, 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 164 Cr.P.C statement recorded from the victim girl.

6. Taking into consideration the facts and circumstances of the case and taking note of the period of incarceration suffered by the petitioner, 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 surety shall be a blood relative,** each for a like sum to the satisfaction of the **learned Sessions Judge, Fast Track Mahila Court, Thiruvarur** and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the



Crl.O.P.No.1715 of 2023

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 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;

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

27.01.2023

smn



WEB COPY



Crl.O.P.No.1715 of 2023

T.V.THAMILSELVI,J.

smn

To

1.The **learned Sessions Judge, Fast Track Mahila Court, Thiruvarur**

2.The Inspector of Police,
All Women Police Station,
Thiruthuraipoondi ,Thiruvarur District.

3.The Sub Jail, Thiruthuraipoondi

4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No1715 of 2023

27.01.2023