



Crl.O.P.No.3143 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2023

CORAM

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

Crl.O.P.No.3143 of 2023

R.Vignesh

... Petitioner

Vs.

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

(Crime No.06 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Spl.S.C.No.8 of 2022, on the file
of the learned Sessions Judge, Mahila Court, Perambalur.

For Petitioner : Mr.T.Vijay

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 06.02.2022, for the alleged offences punishable under Sections 5(l), 5(j)(ii), 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.6 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 14 years, due to which she become pregnant and later, it was aborted. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that on knowing the love affair between the petitioner and the victim girl, the de-facto complainant has lodged a false complaint. He further submitted that the petitioner is in custody from 06.02.2022 and 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 followed the de-facto



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complainant's minor daughter, aged about 14 years and made a love torture to her. He further submitted that the investigation has almost 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, Mahila Court, Perambalur in Spl.S.C.No.8 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 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



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should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Sessions Judge, Mahila Court, Perambalur**, 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 Trial Court on every Tuesday 10.30 a.m., for a period of eight weeks and the petitioner is directed appear before the Trial Court on all hearing date without fail and should not have any communication with the victim girl;

(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;



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

09.02.2023

jai/nti

To

1. The Sessions Judge,
Mahila Court,
Perambalur.
2. The Inspector of Police,
All Women Police Station,
Perambalur.
3. The Central Prison,
Tiruchirapalli.
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI,J.

Jai/nti

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