



Crl.O.P.No.4169 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.02.2023

CORAM :

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

Crl.O.P.No.4169 of 2023

Senthil Kumar

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
AWPS Tiruvannamalai Police Station,
Tiruvannamalai District.
(Crime No.2 of 2023)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.2 of 2023 pending on the file of respondent police.

For Petitioner : Mr.V.R.Appaswamee

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



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 11.01.2023 for the alleged offence under Sections 376(2)(n), 506(1) of IPC and Sections 5(1) Section 5(j)(ii) and 6 of Protection of Child from Sexual Offences Act, 2012 in Crime No.2 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant namely Vijayalakshmi aged about 17 years is working in the petitioner's bakery shop. At that time, the petitioner had sexually assaulted the victim girl and she got pregnant. Based on the statement given by the victim girl, the respondent police registered a case against the petitioner

3. The 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 has been suffering incarceration from 11.01.2023. He is prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) submits that investigation in this case has been completed and the statement under Section 164 of Cr.P.C. has been recorded from the victim girl. However, he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and submissions and the period of incarceration of the petitioner from 11.01.2023, 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 a blood related surety each for a like sum to the satisfaction of **learned Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvannamalai** and on



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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 alternative days at 10.30 a.m for a period of one months and thereafter as and when required for interrogation;

(c) the petitioner should not communicate with the victim through any mode till the disposal of the case;

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

(e) the petitioner is directed to deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** to the credit of **Crime No.2 of 2023** within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below and the learned Magistrate shall disburse the above amount to the defacto complaint.

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



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(g) 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;

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

27.02.2023

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To

1. The Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvannamalai
2. The Inspector of Police,
AWPS Tiruvannamalai Police Station,
Thiruvannamalai District.
3. The Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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