



Crl.O.P.No.5448 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

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Suriya @ Lokesh

... Petitioner

Vs.

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

(Crime No.31 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.31 of 2022, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.L.Christopher

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.11.2022, for the offences punishable under Section 506(ii) of IPC, 67 of IT Act and Sections 10, 12 of Protection of Children from Sexual Offences Act, 2012, in Crime No.31 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Uma Maheswari, mother of the minor victim girl, aged about 13 years, is that the petitioner is her neighbour. On 07.05.2022, the petitioner called the de-facto complainant and scolded her using abusive words and asked her to send her daughter/the victim girl along with him or else, he would take away the life of her husband. Thereafter on 10.09.2022, the minor victim girl was found missing and hence, a complaint was lodged before the Nolambur Police Station and during enquiry, the minor victim girl contacted her father through the petitioner's cell phone and requested not to register any FIR as against the petitioner and she would come there. Subsequently, the petitioner dropped the victim girl near the police station and left the place. Since the victim came back, they did not want to precipitate the matter. Later, the



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petitioner herein, sent abusive messages to the father of the victim girl and also sent the photos of the victim girl, in which, the petitioner and the victim girl were seen very close to together and also threatened him. Hence the case.

3. Learned counsel appearing for the petitioner submitted that this the second application for bail filed by the petitioner and this Court had dismissed the earlier bail application filed in Crl.O.P.No.3224 of 2023 vide order dated 10.02.2023, on the ground that there is every possibility of the petitioner, tampering the witnesses and hampering the investigation. He further submitted that now the investigation has been completed and the final report has also been filed in Spl.S.C.No.6 of 2023. He also submitted that the fact remains is that there was a relationship between the petitioner and the victim girl and in order to severe their relationship, the parents of the victim girl has lodged a false complaint against him. He further submitted that the mother of the petitioner is ready to stand as surety to him and he will undertake that he will not communicate or interfere with the minor victim girl. He further submitted that the petitioner, aged about 19 years, who is pursuing Hotel Management Course, is in custody from 09.11.2022, therefore, he prayed to grant bail to the petitioner.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** with **two sureties** (out of which one surety should be either father or mother of the petitioner), for a like sum to the satisfaction of the **learned District Mahila Judge (Fast Track Court), Thiruvallur**, 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 appear before the trial Court concerned, on all working days at **10.30a.m.**, until further orders;

[c] the petitioner shall file an Affidavit of Undertaking before the Court concerned, that he will not communicate or interfere with the minor victim girl or with her family;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[f] 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]***;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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To

1. The District Mahila Judge (Fast Track Court),
Thiruvallur.
2. The Inspector of Police,
All Women Police Station,
Thirumangalam,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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