



Crl.O.P.No.5041 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2023

CORAM

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

Crl.O.P.No.5041 of 2023

Mohan Sundar Kalsai

...Petitioner

Versus

State rep by the
The Inspector of Police,
Thiruvanamalai East Police Station,
Thiruvanamalai District.
(Crime No.622 of 2013)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.622 of 2013 on the file of the respondent Police.

For Petitioner : Mr.M.Sathish Kumar

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



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ORDER

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The petitioner who was arrested and remanded to judicial custody on 10.01.2023 for the offences punishable under Sections 366A of IPC @ 366(A) & 376 (2) (n) of IPC r/w Section 5 (j)(ii) & (6) of POSCO Act 2012, in Crime No.622 of 2013 on the file of the respondent police seeks bail.

2. The case of the prosecution as per the *de facto* complainant is that the petitioner kidnapped his minor daughter aged 16 years. During the course of investigation, it came to light that the petitioner kidnapped the minor girl and thereafter, committed penetrative sexual assault on her.

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 has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioner had



kidnapped the minor daughter of the defacto complainant and committed penetrative sexual assault on her. Thereafter, on the complaint lodged by the father of the victim girl, the petitioner was arrested and remanded to judicial custody. He would submit that the investigation is completed and the final report also filed and the petitioner is hailing from the state of Odisha. Hence, he vehemently opposed for grant of bail to the petitioner.

5.Taking into consideration of the facts and circumstances the investigation is also completed, and also considering the period of incarceration suffered by the petitioner from 10.01.2023, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties (out of which, one surety must be a blood related surety) each for a like sum to the satisfaction of the **learned Special Judge (POSCO Cases Thiruvanamalai) Thiruvanamalai District**, and on further conditions that:



(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner, on his release from prison, shall stay at Thiruvanamalai and report before the respondent Police Station, everyday at 10.30 a.m. for a period of 3 months and thereafter as and when required for interrogation.

(d) the petitioner shall not commit any offences of similar nature;

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

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

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];



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

7. With the above directions, this Criminal Original Petition is ordered.

03.03.2023

gbi

To

1. The Special Judge (POSCO Cases Thiruvanamalai)
Thiruvanamalai District
2. The Inspector of Police,
Thiruvanamalai East Police Station,
Thiruvanamalai District.
3. The Superintendent,
Vellore Prison, Vellore,
Vellore District.
4. The Public Prosecutor,
High Court, Madras.



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