



Crl.O.P.No.6526 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

CORAM

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

Crl.O.P.No.6526 of 2023

G.Boopathi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
AWPS Kangeyam Police Station,
Tiruppur.

(Crime No.2 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.2 of 2023 on the file of
the respondent police.

For Petitioner : Mr.K.Prabhakaran

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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Crl.O.P.No.6526 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.02.2023, for the offences punishable under Section 5(1) r/w 6 of POCSO Act in Crime No.2 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Vijaya is that she is having two daughters aged 17 and 15 years respectively. The petitioner/accused, who is known to them, had induced the first daughter and committed penetrative sexual assault on her and since the defacto complainant had reprimanded her daughter, she had severed the relationship with him. Later, the petitioner had also seduced the second minor daughter and on fearing that he would also spoil the second daughter, the defacto complainant has preferred the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is aged about 21 years. He and the defacto complainant's family are relatives and there was a love affair between the petitioner and the defacto complainant's first daughter. He further submitted that the



Crl.O.P.No.6526 of 2023

relationship between them was consensual in nature and the petitioner, without understanding the consequences and rigours of the Protection of Children from Sexual Offences Act, had a relationship with the minor victim girl. He would submit that the defacto complainant has given false complaint, as if the petitioner was also trying to have connection with her second daughter. He would submit that the petitioner was arrested on 12.02.2023 and the major part of the investigation is over and a statement under section 164 Cr.P.C has also been recorded from the victim. Hence he would seek for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner had earlier committed penetrative sexual assault on the first daughter of the defacto complainant and thereafter, he has also attempted to seduce the second daughter. He would submit that the statement under section 164 Cr.P.C has been recorded from the victim . Hence, he 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



Crl.O.P.No.6526 of 2023

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record including the First Information Report and the statement recorded from the victim girl under Section 164 Cr.P.C.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and taking note of the statement recorded from the victim girl under Section 164 Cr.P.C. 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Kangayam**, 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;



Crl.O.P.No.6526 of 2023

[b] the petitioner shall stay at Chennai and report before the Inspector of Police, Triplicane Police Staion, everyday at 10.30 a.m., until further orders;

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

[d] the petitioner shall not tamper with evidence or witness 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]***;

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

23.03.2023

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Crl.O.P.No.6526 of 2023

A.D.JAGADISH CHANDIRA.,J.

mpa

To

1. The Judicial Magistrate Court,
Kangayam.
2. The Inspector of Police,
AWPS Kangeyam Police Station,
Tiruppur.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.6526 of 2023

23.03.2023