



WEB COPY



Crl.O.P.No.10756 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.10756 of 2023

Angothu Laxman

... Petitioner/Accused

Vs.

State Rep by
The Inspector of Police,
All Women Police Station,
Namakkal,
Namakkal District.
(Crime No.1 of 2023)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.1 of 2023 on the file of
the respondent police.

For Petitioner : Mr.W.Camyles Gandhi
For Respondent : Mr. E.Raj Thilak
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 08.02.2023, for the offences punishable under Sections 342, 323, 506(i)
of IPC and Sections 5(1), 5(j)(ii) r/w.6 of POCSO Act, 2012 in Crime No.1
of 2023 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the petitioner had committed penetrative sexual assault on the victim. Between 08.12.2022 to 10.12.2022, it is alleged that the victim was went to Namakkal for participating on Taekwondo South Zone Match, the petitioner introduced himself as he is a Coach in Telegana District and forced her and had sexually intercourse with the defacto complainant. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the alleged occurrence is said to have been taken place on 09.12.2022. The complaint has given on 02.02.2023. The relationship was consensual and not forcible as alleged by the prosecution. The very fact that the complaint was given belatedly would establish the said fact.

4. The learned Additional Public Prosecutor submitted that though the complaint has given belatedly, the victim girl has given the statement under Section 164 of Cr.P.C. stating that she was beaten and the accused had forcibly sexual intercourse with her. During the check up, it was found that she was pregnant and the respondent police has registered FIR against the petitioner.



5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police and perused the materials available on record including the FIR and the statement recorded under Section 164 of Cr.P.C from the victim girl.

6. Considering the fact that the complaint was not lodged immediately after the occurrence and the fact that the complaint was lodged only when the victim girl underwent abortion and the period of incarceration of the petitioner, this Court is inclined to grant of bail to the petitioner on the following conditions;

[a] 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 shall be a blood relative of the petitioner, (either mother or father of the petitioner) and one shall be a local surety** each for a like sum to the satisfaction of the **learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Namakkal.**

[b] 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;



CrI.O.P.No.10756 of 2023

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

[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;

[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.

10.05.2023

lpp/mpa



CrI.O.P.No.10756 of 2023

To

1. The Sessions Judge, Magalir Neethi Mandram
(Fast Track Mahila Court), Namakkal.
2. The Inspector of Police,
All Women Police Station,
Namakkal,
Namakkal District.
3. The Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



CrI.O.P.No.10756 of 2023

SUNDER MOHAN,J.,

lpp/mpa

CrI.O.P.No.10756 of 2023

10.05.2023