



Crl.O.P.No.11828 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.06.2023

CORAM:

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

Crl.O.P.No.11828 of 2023

Vimal

.. Petitioner

/versus/

The State rep.by
The Inspector of Police,
AWPS – Coonoor,
The Nilgiris.
(Crime No. 3 of 2023)

.. Respondent

Prayer: Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail pending investigation in Crime No. 3 of 2023 on the file of the respondent police.

For petitioner : M/s.J. Franklin

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



Crl.O.P.No.11828 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.04.2023, in connection with Crime No.3 of 2023 registered for the offences under Sections 5(1), 5(j)(ii) r/w 6 of POSCO Act, 2012 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner had induced the minor victim girl, aged 17 years and committed repetitive penetrative sexual assault on her, due to which, she became pregnant. Hence the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner, aged about 23 years and the victim girl are known to each other and there was a love affair between them for more than two years. She further submitted that the petitioner, without understanding the consequences and rigours of the Protection of Children from Sexual Offences Act, had developed an affair and had a consensual physical relationship with the minor victim girl, due to which, she became pregnant. She further submitted that the statement of the victim girl has been recorded under Section 164 Cr.P.C., wherein, she has stated to have



Crl.O.P.No.11828 of 2023

WEB COPY

admitted about the consensual relationship between them. She also submitted that the petitioner is in judicial custody from 13.04.2023.

Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (crl.side) appearing for the respondent Police submitted that the petitioner had induced the minor victim girl, aged 17 years and committed repetitive penetrative sexual assault on her, due to which, she became pregnant. He further submitted that now the victim has become major and fetus has also been aborted. 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 record including the statement recorded under 164 Cr.P.C from the victim girl.

6. Taking into consideration the facts and circumstances of the case and submissions made by the learned counsel on either side and also taking note of the fact that the victim is also now attained majority, this



Crl.O.P.No.11828 of 2023

Court is inclined 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Sessions Judge of Magalir Neethimandram (FTMC), Udhagamandalam, Nilgiris** 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 report before the respondent Police 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



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Crl.O.P.No.11828 of 2023

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.

01.06.2023

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To

- 1.The Sessions Judge of Magalir Neethimandram, (FTMC),
Udhagamandalam at Nilgiris.
- 2.The Inspector of Police,
AWPS – Coonoor.
The Nilgiris.
- 3.The Sub Jail,
Coonoor.
- 4.The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.11828 of 2023

A.D.JAGADISH CHANDIRA,J.

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Crl.O.P.No.11828 of 2023

01.06.2023