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CrI.O.P.No.12412 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

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

CrI.O.P.No.12412 of 2023

Lokesh

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Eravanchery Police Station,
Tiruvarur District.
Crime No.135 of 2023.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner pending investigation in Crime No.135
of 2023, on the file of the respondent herein.

For Petitioner : Mr.T.Muruganantham

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 11.05.2023, for the offences punishable under Sections 366(A) of IPC,
subsequently altered into under Section 366(A) of IPC and 5(1), 6 of POSCO
Act in Crime No.135 of 2023 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that initially the case came to be registered in Crime No.135 of 2023 for “girl missing” on the complaint of one Ravi alleging that his minor daughter was missing from 08.05.2023. Thereafter, during the course of investigation, it came to light that the petitioner had kidnapped the daughter of the defacto complainant and committed penetrative sexual assault on her. Hence, the offences were altered as stated above.

3. The learned counsel for the petitioner would submit that there was a love affair between the petitioner and the daughter of the defacto complainant. The victim girl came out from her house without understanding the consequences of POCSO Act. The petitioner along with the victim girl had gone to Tiruppur. Later, the petitioner had committed penetrative sexual assault on the victim girl. He further submitted that the petitioner has been in judicial custody from 11.05.2023 and the major part of investigation is also over and hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent vehemently opposed to grant bail to the petitioner stating that the



petitioner kidnapped the minor victim girl aged 17 years and committed penetrative sexual assault on her and that the investigation is pending. He further submitted that the statement of the victim girl has also been recorded under Section 164 Cr.P.C.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (CrI. Side) and perused the materials available on record including the FIR, statement of the victim girl recorded under Section 164 Cr.P.C.

6. Considering the above facts and circumstances of the case and the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant of 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 Sessions Judge, Fast Track Mahila Court, Tiruvarur** and on further conditions that:



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[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 stay at Thanjavur and report before the Thanjavur East Police Station, everyday at 10.30 a.m., for a period of four weeks and thereafter, shall report before the respondent police every Saturday 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.

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To

1. The Sessions Judge,
Fast Track Mahila Court, Tiruvarur.
2. The Inspector of Police,
Eravanchery Police Station,
Tiruvarur District.
3. The Inspector of Police
East Police Station, Thanjavur.
4. The Jailer,
District Prison,
Tiruvarur
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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