



Crl.O.P.No.14477 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.14477 of 2023

Sekar

...Petitioner

Vs.

The State Represented by,  
The Inspector of Police,  
AWPS, Denkanikottai,  
Krishnagiri District.  
Crime No.11 of 2023.

...Respondent

**PRAYER:** Criminal Original Petition is filed under Section 439 of Cr.P.C. pleased to enlarge the petitioner on bail in Crime No.11 of 2023, pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Anandharaj

For Respondent : Mr.Leonard Arul Joseph Selvam  
Government Advocate (Crl.side)



Crl.O.P.No.14477 of 2023

WEB COPY

### **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 09.06.2023 for the offences punishable under Sections 5(1), 5(n), 6(1) POCSO Act in Crime No.11 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in Crime No.11 of 2023 for the offences under 5(1), 5(n), 6(1) POCSO Act. He further submitted that, there is a huge delay in giving the complaint by the defacto complainant. Petitioner is innocent and he is falsely implicated in this case. Petitioner is in judicial custody from 09.06.2023. Therefore, he seeks to grant bail to the petitioner.

3. In reply, the learned Government Advocate (Crl. Side) oppose this petition, on the ground that, there was a love affair between the defacto complainant and the petitioner. Recently, there was a publication of photographs of defacto complainant and petitioner and



Crl.O.P.No.14477 of 2023

that prompted giving of complaint by the defacto complainant. Therefore, he prays for dismissal of this bail petition.

4. Considered the submissions and perused the records.

5. It is seen from the first information report allegations that, there is a love affair between the defacto complainant and petitioner from 26.04.2022. Defacto complainant's date of birth is 28.07.2005. At the time of the incident, she was about 17 years old.

5.1. Considering the long delay in giving the complaint, and the completion of medical examination of the defacto complainant and recording of statement under Section 164 Cr.P.C, that the petitioner is in judicial custody from 09.06.2023, and the material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner and 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**, each for a like sum to the



Crl.O.P.No.14477 of 2023

satisfaction of the learned **Sessions Judge, Fast Track Mahila Court,**

**Krishnagiri** 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 daily 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].



Crl.O.P.No.14477 of 2023

WEB COPY

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

**17.07.2023**

gd

To

- 1.The Sessions Judge, Fast Track Mahila Court, Krishnagiri.
- 2.The District Jail, Dharmapuri.
- 3.The Inspector of Police,  
AWPS, Denkanikottai,  
Krishnagiri District.
- 4.The Public Prosecutor,  
High Court of Madras



WEB COPY



Crl.O.P.No.14477 of 2023

**G.CHANDRASEKHARAN. J.**

gd

Crl.O.P.No.14477 of 2023

17.07.2023