



Crl.OP.No.15344 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.07.2023

CORAM

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

Crl.OP.No.15344 of 2023

Jeganathan

..Petitioner

Vs.

State Rep by its,
The Inspector of Police,
Thirumullaivoyal Police Station,
Chennai.
Crime No.248 of 2023

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with Crime No.248
of 2023 on the file of the Respondent Police pending investigation.

For Petitioner : M/s.D.Senthil

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



WEB COPY



Crl.OP.No.15344 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.05.2023 for the offence punishable under Sections 366 of IPC and Section 5 read with Section 6(1) of POCSO Act in Crime No.248 of 2023 on the file of the respondent police seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner and the victim girl were in love with each other and that is the reason for registration of this case. Thus, he prayed for bail to the petitioner.

3. In response, learned Government Advocate (Crl. Side) submitted that, in love affair between the petitioner and the victim girl, petitioner had committed penetrative sexual assault against the victim girl. He further submitted that, statement of the victim girl under Section 164 of Cr.P.C was recorded and the medical examination is also over.

4. Considering the nature of the offence alleged against the petitioner and the age of the victim girl and the petitioner and that the



CrI.OP.No.15344 of 2023

petitioner is in Judicial Custody from 25.05.2023, this Court is inclined to grant bail to the petitioner.

5. Accordingly, 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 satisfaction of the **District Mahila Judge (Fast Track Court), Thiruvallur** 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.



WEB COPY



Crl.OP.No.15344 of 2023

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

11.07.2023

Sma

To

1. District Mahila Judge (Fast Track Court), Thiruvallur



Crl.OP.No.15344 of 2023

2. The Inspector of Police,
Thirumullaivoyal Police Station,
Chennai.

3. Central Prison,
Puzhal, Chennai.

4. The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.

Sma



WEB COPY



CrI.OP.No.15344 of 2023

CrI.O.P.No.15344 of 2023

11.07.2023