



Crl.O.P.No.18645 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM

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

Crl.O.P.No.18645 of 2023

Arumugam

...Petitioner

Vs.

State Rep by
The Inspector of Police,
All Women Police Station Nannilam,
Thiruvarur District.
Crime No.3 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.3 of 2023 pending on the file of the The Inspector of Police Nannilam, All Women Police Station, Thiruvarur.

For Petitioner : Mr.P.Muthamizhselvakumar
For Respondent : Mr.S.Rajakumar,
Additional Public Prosecutor



Crl.O.P.No.18645 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.06.2023 for the offence punishable under Sections 5(I), 6 of Protection of Children from Sexual Harassment Act, 2012 in Crime No.3 of 2023 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated as an accused in a case registered for the offences punishable under Sections 5(I), 6 of Protection of Children from Sexual Harassment Act, 2012 in Crime No.3 of 2023, on the basis of the complaint given by the mother of the victim girl. He further submitted that, petitioner and victim girl were in love with each other. Petitioner is in judicial custody from 18.06.2023. In the said circumstances, he seeks bail to the petitioner.

3. In response, learned Additional Public Prosecutor opposes this petition, on the ground that, petitioner forced the victim girl to love him and had sexual relationship with her. The Statement under Section 164 Cr.P.C of the victim girl was recorded and her medical examination was



Crl.O.P.No.18645 of 2023

over. Thus, he seeks for dismissal of this petition.

4. Considered the submissions and perused the records.

4.1. The reading of the Statement of the victim girl recorded under Section 164 Cr.P.C shows that, petitioner had compelled/tortured the victim girl to love him. He promised her that, he would take care of her. On 17.05.2023, he called the victim girl over phone and compelled her to come to a place told by him. When victim girl visited that place, petitioner had sexual relationship with her, despite her resistance.

5. Considering the nature of the allegations made against the petitioner, that petitioner is in judicial custody from 18.06.2023, that substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner. Accordingly, petitioner is ordered to be released on bail on their 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 **Learned Session Judge Fast Track Mahila Court, Thiruvavarur** and on further conditions



Crl.O.P.No.18645 of 2023

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



WEB COPY

gd



Crl.O.P.No.18645 of 2023

30.08.2023

To

- 1.The Session Judge Fast Track Mahila Court,
Thiruvarur.
- 2.The Inspector of Police,
All Women Police Station Nannilam,
Thiruvarur District.
- 3.The District Jail,
Thiruvarur.
- 4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



WEB COPY



Crl.O.P.No.18645 of 2023

gd

Crl.O.P.No.18645 of 2023

30.08.2023