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Crl.O.P.No.19350 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM

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

Crl.O.P.No.19350 of 2023

Kiran Kumar

...Petitioner

Vs.

State Rep by,
Inspector of Police,
All Women Police Station,
Barugur, Krishnagiri District.
Crime No.14 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.14 of 2023 on the file of the respondent police.

For Petitioner : Mr.C.Murali

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.06.2023 for the offences punishable under Sections 363, 366 IPC, Section 5(L) & 6 of POCSO Act in Crime No.14 of 2023 on the file of the respondent police, seeks bail.

2.It is the submission of the learned counsel for the petitioner submitted that petitioner and the victim girl are lovers. Petitioner is implicated as accused in Crime No.14 of 2023 for the offences under the Sections 363, 366 IPC, Section 5(L) & 6 of POCSO Act. Petitioner is in Judicial Custody from 24.06.2023. Thus, he seeks bail to the petitioner.

3.In response, the learned Additional Public Prosecutor submitted that petitioner is aged nineteen years and he had committed penetrative sexual assault against the victim girl who is aged fifteen years. Section 164 Cr.P.C statement of the victim girl was recorded and medical examination was over.



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4.Considered the rival submissions and perused the records.

5.The perusal of Section 164 Cr.P.C statement of victim girl shows that she was in love with petitioner for six months. Petitioner had sexual relationship on 09.04.2023, with her consent. Victim girl's mother tried to separate her from petitioner. On 13.06.2023, she left home and went to Hydrebad and met petitioner and they were staying in a house in Silukalkuda and had physical relationship. Subsequently, Police apprehended them.

6.Considering the nature of allegations and the statement given by the victim girl in Section 164 Cr.P.C and that petitioner is in Judicial Custody from 24.06.2023 and that substantial part of the investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner.

7. Accordingly, 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**



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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].

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

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To

- 1.The Fast Track Mahila Court, Krishnagiri.
- 2.Sub Jail, Krishnagiri.
- 3.The Inspector of Police,
All Women Police Station,
Barugur, Krishnagiri District
- 4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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