



WEB COPY



CrI.OP.No.20745 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.20745 of 2023

Venkatesh

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
All Women Police Station,
Hosur,
Krishnagiri District.
(Crime No.63 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 the case in Crime No.63 of 2023 pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Selvam

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



CrI.OP.No.20745 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.07.2023 for the offences punishable under Sections 363, 366 of IPC and Sections 7,8 of POCSO Act in Crime No.63 of 2023 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submitted that, petitioner and the victim girl were in love with each other. Victim girl had on her own volition came out of her house. However, this case is falsely registered against the petitioner. Petitioner is in judicial custody from 14.07.2023. Thus, he prays for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor submitted that, petitioner is aged about 22 years and the victim girl is aged about 14 years. Petitioner had lured the victim girl into love and had committed penetrative sexual assault against her. The statement of the victim girl under Section 164 of Cr.P.C was recorded and the medical examination of the victim girl was also over.



CrI.OP.No.20745 of 2023

4. Considered the rival submissions and perused the records. The reading of the FIR allegations shows that, victim girl and the petitioner were moving as friends. Victim girl used to talk with the petitioner through phone. On 09.07.2023 at about 01.00.a.m., at the instance of the petitioner, victim girl came out of her house. Petitioner took her to Anekal in bus and they stayed in a house. Petitioner embraced her and kissed her. Then on 10.07.2023, he dropped her at her home. However, in the statement of the victim girl recorded under Section 164 of Cr.P.C., certain improvements have been made. It is stated that, petitioner had kidnapped the victim girl to one Pappaiya's house and misbehaved with her.

5. Considering the material contradictions in the allegation made in the FIR and in the statement of the victim girl under Section 164 of Cr.P.C., and also having regard to the fact that, petitioner is in Judicial Custody from 14.07.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.



CrI.OP.No.20745 of 2023

WEB COPY

6. 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 **learned Sessions Judge Cum Fast Track Mahila Judge, 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 10.00.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



CrI.OP.No.20745 of 2023

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.

08.09.2023

Sma

To

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



WEB COPY



Crl.OP.No.20745 of 2023

G.CHANDRASEKHARAN. J.

Sma

Crl.OP.No.20745 of 2023

08.09.2023