



CrI.OP.No.20601 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

CORAM

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

CrI.OP.No.20601 of 2023

Yukendran

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Podhanur Police Station,
Coimbatore District.
(Crime No.246 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in Crime No.246 of 2023 on the file of respondent Police.

For Petitioner : Mr.N.Arunkumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.07.2023 for the offence punishable under Section 5 (l) r/w 6 of POCSO Act, in Crime No.246 of 2023 on the file of the respondent



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police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as accused in Crime No.246 of 2023 for the offences under 5 (l) r/w 6 of POCSO Act. Petitioner is in judicial custody from 05.07.2023. Thus, he prays for grant of bail.

3.The learned Additional Public Prosecutor opposed this petition on the ground that petitioner is aged 19 years and he committed penetrative sexual assault against the victim girl, she is only 14 years. Section 164 Cr.P.C statement was recorded and the medical examination is over. Therefore, he prays for dismissal of this bail petition.

4.Considered the rival submissions and perused the records.

5.Section 164 Cr.P.C statement of victim girl shows that she was studying 10th standard and petitioner is known to her. Petitioner had taken the victim girl and committed penetrative sexual assault against her. Thereafter, also he had repeated sexual relationship with her.



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6.Considering the nature of the offence alleged against the petitioner, that petitioner is in judicial custody from 05.07.2023 and that substantial part of investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner with conditions.

7.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 Judicial Magistrate – IV, Coimbatore**, 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



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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 Judicial Magistrate – IV,
Coimbatore.
- 2.The Inspector of Police,
Podhanur Police Station,
Coimbatore District.
- 3.Central Prison
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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