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CrI.OP.No.20848 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.20848 of 2023

Ashokan @ Ashok

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
AWPS Krishnagiri Police Station,
Krishnagiri District.
(Crime No.15 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.15 of 2023 on the file of respondent Police.

For Petitioner : Mr.L.Ramanathan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 24.07.2023 for the offence punishable under Sections 363, 366 I.P.C and Sections 5 (1) & 6 (1) of the Protection of Child from Sexual Offences Act, 2012 in Crime No.15 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as accused in Crime No.15 of 2023 for the offences under Sections 363, 366 I.P.C and Sections 5 (1) & 6 (1) of the Protection of Child from Sexual Offences Act, 2012. Petitioner is in judicial custody from 24.07.2023. Thus, he prays for grant of bail.

3. In response, learned Additional Public Prosecutor submitted that petitioner is aged 29 years and the victim girl is aged 15 years. Petitioner had taken the victim girl with him to Hosur. Section 164 Cr.P.C statement of the victim girl was recorded and medical examination was also over.

4.Considered the rival submissions and perused the records.



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5.The reading of 164 Cr.P.C statement of the victim girl shows that victim girl was taken by petitioner in his two-wheeler, rather by force. Thereafter, it is said that they went to Hosur. From Hosur to Tiruppur and Tiruppur to Puliampati and then to Koduvai. They worked in a Mill and stayed in a house. Nothing had happened between them. Then Police apprehended them on 24.07.2023. It is seen from the 164 Cr.P.C. statement of victim girl, there is no allegation of any sexual assault or penetrative sexual assault committed by the petitioner against the victim girl. Petitioner is in judicial custody from 24.07.2023. In such circumstances, this Court is inclined to grant bail to the petitioner with conditions.

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, Fast Track Mahila Court, Krishnagiri**



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District, 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 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 Sessions Judge,
Fast Track Mahila Court,
Krishnagiri District.

2.The Inspector of Police,
AWPS Krishnagiri Police Station,
Krishnagiri District.

3.Sub Jail, Krishnagiri.

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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