



Crl.O.P.No.22131 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

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

Crl.O.P.No.22131 of 2023

Vinothkumar

...Petitioner

Vs.

The State represented by
The Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri District,
Crime No.65 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.65 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Balamurugan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.07.2023 for the offences punishable under Sections 5(m), 5(l), 5(j)(ii), 6(1), 9(m) and 10 of POCSO Act, 2012 pending in Crime No.65 of 2023 on the file of the respondent police seeks bail.

2. It is the submission of the learned counsel for the petitioner that, petitioner is falsely implicated in this case for the offences under Sections 5(m), 5(l), 5(j)(ii), 6(1), 9(m) and 10 of POCSO Act, 2012 pending in Crime No.65 of 2023. He had no relationship, especially sexual relationship with the victim girl. However, on the basis of false accusation, he is remanded to the judicial custody on 25.07.2023, since then he is in judicial custody. Thus, he seeks for grant of bail to the petitioner.

3. In response, the learned Additional Public Prosecutor submitted that, victim girl was aged 12 years. There are two accused in this case. Petitioner is the 2nd accused. From the statement of the victim



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girl recorded under Section 164 Cr.P.C, it is seen that, 1st accused had sexual relationship with the victim girl, however, there is no incriminating statement given by the victim girl against this petitioner. Medical examination of the victim girl was over. However, he prays for dismissal of this petition.

4. Considered the submissions and perused the records.

4.1. The reading of Section 164 Cr.P.C statement of the victim girl, shows that, 1st accused who is also aged 18 years had committed penetrative sexual assault against the victim girl and made her pregnant. There is absolutely no allegation of sexual assault or penetrative sexual assault against this petitioner. It was stated that, this petitioner used to beat the victim girl and her sister and touch them inappropriately.

4.2. In the light of the statement given by the victim girl and that petitioner is in judicial custody from 25.07.2023, that substantial part of the investigation might have been completed by this time, this Court



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is inclined to grant bail to the petitioner.

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5. 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 Magila 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 appear before the respondent police everyday at 10.00 a.m., until further order.

[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



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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.

26.09.2023

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To

- 1.The Sessions Judge, Fast Track Magila Court, Krishnagiri
- 2.The District Prison, Dharmapuri.
- 3.The Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri District,
- 4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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