



WEB COPY



CrI.OP.No.22729 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2023

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

CrI.OP.No.22729 of 2023

Kathiresan
S/o.Sankar

...Petitioner/Sole Accused

Vs.

State rep. by
The Inspector of Police,
W-29, All Women Police Station,
Avadi, Chennai – 600 054.
(Crime No.12 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.12 of 2023 pending
investigation on the file of the respondent police.

For Petitioner : Ms.M.Rebecca

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Criminal Side)



CrI.OP.No.22729 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.07.2023 for the offence punishable under Sections 5(1), 5(j)(ii), 6(1) of Protection of Child from Sexual offences Act, 2012 in Crime No.12 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had committed the offence of sexual intercourse against the victim, thereby, the victim girl became pregnant. Hence, the case was registered against the petitioner.

3.It is stated by the learned counsel for the petitioner that the petitioner was aged 21 years and the victim girl was aged 17 years at the time of the incident and they were in physical relationship, due to which, a child was also born. It is also stated that the victim girl had attained the age of majority and as a matter of fact, she is living with the family of the accused.



CrI.OP.No.22729 of 2023

WEB COPY

4. It is stated on the side of the respondent that investigation has been completed.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the 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 District Mahila Court, Tiruvallur 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] additionally, the petitioner should register the marriage with the victim girl within a period of three



CrI.OP.No.22729 of 2023

(3) weeks from the date on which the petitioner is released from jail. Failing which, the bail order stands automatically cancelled.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

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

06.10.2023

smv



Crl.OP.No.22729 of 2023

WEB COPY

To

1.The District Mahila Court, Tiruvallur

2.The Central Prison,
Puzhal.

3.The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.OP.No.22729 of 2023

C.V.KARTHIKEYAN. J.

Smv

Crl.O.P.No.22729 of 2023

06.10.2023