



WEB COPY



Crl.O.P.No.28995 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.28995 of 2023

Sarath @ Kalidurai

C/o.Chandramathi @ Chandra

...Petitioner/Accused

Vs.

State represented by

The Inspector of Police,

All Women Police Station Tiruppur South,

Tiruppur City,

Tiruppur District.

Crime No.17 of 2023

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.17 of 2023 on the file of respondent police pending investigation.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.G.V.Kasthuri

Additional Public Prosecutor

ORDER

The petitioner seeks bail in Crime No.17 of 2023 on the file of respondent police for the offences punishable under Sections 5(1), 5(j)(ii) r/w 6 of POCSO Act. The petitioner was arrested and remanded to custody on 08.09.2023.



CrI.O.P.No.28995 of 2023

WEB COPY

2. The case of the prosecution is that the petitioner, who is a married man, suppressing the said fact and under the guise of marrying the victim girl, had sexual relationship and cheated the victim girl.

3. Learned counsel for petitioner submits that it is a case of love affair and the petitioner has been falsely implicated in this case.

4. Learned Additional Public Prosecutor submits that investigation in the case has been completed and charge sheet has been filed in this case and is yet to be taken on file.

5. Considering the rival submissions on either side and considering the fact that it is a case of love affair and also considering the period of incarceration, I am inclined to grant bail to the petitioner, subject to certain 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**



CrI.O.P.No.28995 of 2023

only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Tiruppur 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 cards or Bank pass Books to ensure their identity;
- [b] the petitioner shall report before the trial Court everyday at 10.30 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];



WEB COPY



Crl.O.P.No.28995 of 2023

P.DHANABAL, J.

gm/rsi

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

28.12.2023

gm/rsi

To

- 1.The Sessions Judge,
Magalir Neethi Mandram (Fast Track Mahila Court),
Tiruppur.
- 2.The Central Prison,
Coimbatore.
- 3.The Inspector of Police,
All Women Police Station Tiruppur South,
Tiruppur City,
Tiruppur District.
Crime No.17 of 2023
- 4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.28995 of 2023