



Crl.O.P.No.10206 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM

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

Crl.O.P.No.10206 of 2024

Rajadurai

...Petitioner/A1

Vs.

State represented by
The Station House Officer,
All Woman Police Station,
Ulundurpet,
Kallakurichi District.
(Crime No.3 of 2024)

...Respondent/Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.3 of 2024 on the file
of the respondent police.

For Petitioner : Mr.S.Magesh Kumar

For Respondent : Mr.V.J.Priyadarsana
Govt. Advocate (Crl. Side)



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ORDER

The petitioner/A1, who was arrested and remanded to judicial custody on 03.02.2024 for the offence punishable under Sections 366 and 451 of IPC r/w Sections 5(1), 6, 17 of Protection of Child from Sexual Offences Act, 2012 and Sections 9 and 10 of Child Marriage Restrained Act in Crime No.3 of 2024 on the file of the respondent police, seeks bail.

2.It is stated that this petitioner had committed an offence of penetrated sexual assault on the victim girl. Thereafter, the father of the victim girl had repeatedly given a complaint before the respondent police. The respondent did not take a complaint on record, but, abused the father of the victim girl. This had forced the father of the victim girl to commit suicide by hitting himself with a hammer on his head. Thereafter, the respondent had proceeded further investigation.

3.The earlier petition seeking bail was dismissed on 28.03.2024 in CrI.O.P.No.6437 of 2024. A counter affidavit had been filed, wherein, it is stated that the co-accused, A2 had been granted bail by the Principal



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District and Sessions Judge, Kallakurichi. It is also stated that after completing the investigation, a final report had been filed through e-filing on 20.03.2024. That is the significant change in circumstance.

4.Taking all these factors into consideration and also considering the period of incarceration suffered by the petitioner, I am inclined to grant bail to the petitioner subject to the following conditions:

5.Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Principal District and Sessions Judge, Kallakurichi, 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] 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.



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[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.

29.04.2024

smv

To

1. The Principal District and Sessions Judge, Kallakurichi.
2. The Central Prison, Cuddalore.
3. The Station House Officer,
All Woman Police Station,
Ulundurpet,
Kallakurichi District.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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