



Crl.O.P.No.11339 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2024

CORAM

THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

Crl.O.P.No.11339 of 2024

K.Krishnamoorthy

... Petitioner/ Sole Accused

Vs.

The State rep. by
The Inspector of Police,
All Women Police Station,
Kallakurichi District.
(Crime No.9 of 2024)

...Respondent/Complainant

PRAYER: The Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, 1973, praying to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.9 of 2024 on the file of the respondent police.

For Petitioner : Mr.Balamanikandan Ganesan

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed by the petitioner on 07.05.2024 under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 506(i) of IPC r/w Sections 5(1) & 6 of POCSO Act, 2012 in Crime No.09 of 2024 on the file of the respondent police.

3. The case of the prosecution is that the petitioner/sole accused had kidnapped the victim and committed sexual assault on her and also threatened her not to disclose the same to anybody. Hence the case.

4. The learned counsel for the petitioner submitted that the petitioner and the defacto complainant are relatives. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

5. Heard on both sides'. This Court has perused the statement under Section 164(5) Cr.P.C recorded from the victim girl.



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6. The alleged occurrence took place on 26.04.2024 at 09.00 p.m.

Considering the facts and circumstances of the case and the age of the victim and also considering the statement of the victim girl, this Court is of the considered view that the custodial interrogation of the petitioner is not necessary in this case. Therefore, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned **Principal District and Sessions Judge, Kallakurichi**, within a period of 15 days from today, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- to the satisfaction of the learned **Principal District and Sessions Judge, Kallakurichi**.

(ii) The petitioner shall appear and sign before the respondent **Police, daily at 10.00 a.m and 5.00 p.m., until further orders;**

(iii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46



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annexed to 'The Criminal Rules of Practice, 2019]. The learned

Principal District and Sessions Judge, Kallakurichi shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall make themselves available for interrogation by police as and when required;

(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

(vi) The petitioner shall not enter into the victim's house or her place;

(vii) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;

(viii) The petitioner shall not leave India without the prior permission of the trial Court; and

(ix) On breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioner in



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accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in *P.K. Shaji vs. State of Kerala* [(2005) 13 SCC 283].

7. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

16.05.2024

Index : Yes/No

Internet : Yes/No

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Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**

To

- 1.The Principal District and Sessions Judge, Kallakurichi.
- 2.The Inspector of Police,
All Women Police Station,
Kallakurichi District.
- 3.The Public Prosecutor, High Court of Madras.



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R.SAKTHIVEL. J.

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