



Crl.O.P.No.12044 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.12044 of 2024

Rajaguru @ Guru
S/o.Rajadurai

..Petitioner/Accused

Vs.

The State rep by Inspector of Police,
AWPS, Palladam
Tiruppur District.
(Crime No.48 of 2024)

...Respondent/Complainant

PRAYER: The Criminal Original Petition filed under Section 439 of the Criminal Procedure Code, 1973 praying to grant bail to the petitioner/accused in Crime No.48 of 2024 on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.C.E.Prathap
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner on 13.05.2024 under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail.



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2. The petitioner/sole accused was arrested and remanded to judicial custody on 04.02.2024 for the alleged offences punishable under Sections 366, 343, 506 Part II of IPC 5(1) r/w.6 of POCSO Act in Crime No.48 of 2024 on the file of the respondent-police.

3.The case of the prosecution is that the petitioner committed sexual intercourse against the will of the minor victim girl. Hence, the case.

4.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody since 04.02.2024. He, therefore, prayed to grant bail to the petitioner.

5.The learned Government Advocate (Criminal side) appearing for the respondent police submitted that the petitioner committed the offence



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of aggravated sexual intercourse on the minor victim girl aged about 17 years. Further, the statement of the victim girl u/s.164 Cr.PC is recorded on 12.03.2024. The investigation is completed and the charge sheet was also filed before the trial Court and the entire process will be completed within a short period. He further submitted that if bail is granted to the petitioner, he will cause threat to the defacto complainant. Accordingly, the learned Government Advocate (Criminal side) strongly objected to the petition and prayed to dismiss the petition.

6. Heard both sides and perused the materials available on record.

7. The respondent police registered a case against the petitioner for the alleged offences under Section 366, 343, 506 Part II of IPC 5(1) r/w.6 of POCSO Act. In this case, the victim is about 17 years old. The date of occurrence is 30.01.2024. The petitioner was arrested and remanded to judicial custody on 04.02.2024. This Court has perused the statement of the victim girl recorded under Section 164 of Cr.P.C. The investigation is completed and the charge sheet is also filed before the trial Court. The



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petitioner has been incarcerated nearly for the past 103 days.

Considering the nature of the offence and the above facts, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.20,000/- (Rupees Twenty Thousand only) and furnish two sureties each for a like sum of Rs.20,000/- (Rupees Twenty Thousand only) to the satisfaction of the learned **Mahalir Neethimandram (FTMC), Tiruppur.**

(ii) The petitioner shall appear and sign before the Sessions Judge, Mahalir Neethimandram (FTMC) Tiruppur daily at 10.30 a.m., until further orders;

(iii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Sessions Judge shall obtain a copy of any one of identity proofs to ensure their identity;

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



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(v) On breach of any of the aforementioned conditions, the learned Judicial Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

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

16.05.2024

Index : Yes/No
Internet : Yes/No
Neutral citation : 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.**



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To

1. The Inspector of Police,
AWPS, Palladam, Tiruppur District.

2. The Sessions Judge, Mahalir Neethimandram (FTMC) Tiruppur.

3. The Superintendent, Central Prison, Coimbatore.

4. The Public Prosecutor, High Court of Madras.



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R.SAKTHIVEL. J.

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