



WEB COPY



CRL O.P. No.15516 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.08.2024

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.15516 of 2024

Prakash S/o. Suppan

... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
All Women Police Station,
Tiruchengode, Namakkal District.
[Cr. No.16 of 2023 in S.C. No.15 of 2024]

... Respondent

For Petitioner : Mr. K.R. Ramesh Kumar
For Respondent : Mr. S. Vinoth Kumar
Government Advocate
[Criminal side]

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Special S.C. No.15 of 2024 [Crime No.16 of 2023 on the file of the respondent police] on the file of Fast Track Mahila Court, Namakkal.



CRL O.P. No.15516 of 2024

ORDER

WEB COPY

The petitioner/Accused, who was arrested and remanded to judicial custody on 07.12.2023 for the offences punishable under sections 5(n) r/w 6 of POCSO Act and Section 506(i) of IPC in Crime No.16 of 2023 on the file of the respondent police and taken on the file of Fast Track Mahila Court, Namakkal in Spl. S.C. No.15 of 2024, seeks bail.

2. The case of the prosecution is that on 25.11.2023 at about 2 p.m., the petitioner / accused had forcible sexual intercourse with a minor victim girl. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner has been implicated in this case with false allegations and he is an innocent. He is in judicial custody for the past more than 8 months. The case is taken up on the file of Fast Track Mahila Court, Namakkal and the case is under trial and 6 witnesses were already examined. The petitioner is ready to abide by any condition imposed by this Court. Hence, he seeks bail.



CRL O.P. No.15516 of 2024

WEB COPY

4. The learned Government Advocate (Criminal Side) would submit that the petitioner was arrested and remanded to judicial custody on 07.12.2023. The defacto complainant is the mother of the victim girl, aged about 17 years. On 25.11.2023 at about 2 p.m., the accused had forcible sexual intercourse with the victim girl. The case is under trial before the Fast Track Mahila Court, Namakkal and the trial is in progress. Hence he objected to grant bail to the petitioners.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that most of the witnesses have been examined and also considering the period of incarceration, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, each of the petitioners 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 **Fast Track Mahila Court, Namakkal** and on further conditions that:



CRL O.P. No.15516 of 2024

[b] the petitioner shall report before the Fast Track Mahila Court, Namakkal daily at 10.30 A.M. until further orders.

[c] the petitioner shall not commit any offences of similar nature.

[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 Judicial 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 269 B.N.S.

09.08.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs



CRL O.P. No.15516 of 2024

To

1.The Fast Track Mahila Court, Namakkal.

2.The Inspector of Police,
All Women Police Station,
Tiruchengode, Namakkal District.

3.The Superintendent,
Central Prison, Salem.

4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J

mjs

CRL.OP.No.15516 of 2024



WEB COPY



CRL O.P. No.15516 of 2024

09.08.2024