



WEB COPY



CRL O.P. No.19470 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.19470 of 2024

Boomi,
S/o.Periyasamy

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
All Women Police Station,
Ariyalur,
Ariyalur District
[Cr.No.15 of 2024]

... Respondent

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 Crime No.15 of 2024 on the file of the respondent police.

For Petitioner : Mr.J.Jayan
For Respondent : Mr. S.Vinoth Kumar
Government Advocate (Crl.Side)



CRL O.P. No.19470 of 2024

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.06.2024 for the offences punishable under sections 366 of IPC r/w.5(j)(ii), 5(I), 6 of the POCSO Act, 2012 in Crime No.15 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto-complainant is the mother of the victim girl. The victim girl is only 17 years old. This petitioner had love affair with the daughter of the defacto-complainant, out of the said relationship she got pregnant. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the defacto-complainant had a previous enmity with the petitioner's family and in order to harass this petitioner, the victim and the Defacto-complainant have colluded with each other and falsely implicated the petitioner in this case. The alleged occurrence is said to have been taken place on 14.11.2023 and the information received from the Defacto-complainant only on



CRL O.P. No.19470 of 2024

01.06.2024. This petitioner is an innocent person and he has nothing to do with the commission of alleged offences and he is ready to abide by any condition imposed by this Court. Hence, he seeks bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that his petitioner had love affair with the daughter of the defacto-complainant, out of the said relationship she got pregnant. The petitioner was arrested and remanded to judicial custody on 12.06.2024. In this case investigation almost completed and awaiting DNA report. Hence, he objected to grant bail to the petitioner.

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

6. Considering the rival submissions on either side and considering the fact that in this case investigation almost completed and awaiting DNA report and also considering the period of incarceration underwent by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:



CRL O.P. No.19470 of 2024

[a] 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 **Sessions Judge Fast Track Mahila Court, Ariyalur** and on further conditions that:

[b] the petitioner shall report before the learned Sessions Judge Fast Track Mahila Court, Ariyalur on every working day at 10.30 A.M. until further orders;

[c] the petitioner shall attend in accordance with the conditions of the bond;

[d] the petitioner shall not commit any offence similar to the offence of which he is accused; or suspected, or of the commission of which he is suspected; and

[e] 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence;



CRL O.P. No.19470 of 2024

[f] the petitioner shall not abscond either during investigation or trial;

WEB COPY

[g] 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

28.08.2024

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



WEB COPY



CRL O.P. No.19470 of 2024

P.DHANABAL,J

gvn

To

- 1.The Sessions Judge Fast Track Mahila Court,
Ariyalur
- 2.The Inspector of Police,
All Women Police Station,
Ariyalur,
Ariyalur District
3. Sub Jail, Ariyalur.
- 4.The Public Prosecutor,
High Court, Madras.

CRL.OP.No.19470 of 2024

28.08.2024