



WEB COPY



CRL O.P. No.19963 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :22.08.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.19963 of 2024

Vijay Munusamy

... Petitioner/Accused

Vs

State rep. by:-

The Inspector of Police,
Chetpet Police Station,
Thiruvannamalai District
(Crime No.227 of 2024)

...Respondent/Complainant

For Petitioner : Mr. V.Devendiran
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 Crime No.227 of 2024 on the file of the respondent police.



WEB COPY



CRL O.P. No.19963 of 2024

ORDER

The petitioner/accused, who was arrested and remanded to judicial custody on 16.07.2024 for the offences punishable under Section 64(1), 64(2)(m), 87 of BNS, 2023 and Section 5(1), 6(1) of POCSO Act, in Crime No.227 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that in the month of July 2023 when the victim girl came to attend the betrothal function of the petitioner's sister, at that time the petitioner sexually assaulted the victim girl and taken her to several places and left her in the bus stand on 15.07.2024. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him. He is in judicial custody for more than 38 days. Hence, he seeks bail.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner had love affair with the victim girl and in the month of July 2023 when the victim girl came to attend the betrothal function of



CRL O.P. No.19963 of 2024

the petitioner's sister, at that time the petitioner sexually assaulted the victim girl and taken her to several places and left her in the bus stand on 15.07.2024 and the statement of the victim girl under Section 164 of Cr.P.C was also recorded. Hence, he opposed to grant bail to the petitioner.

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

6. Considering the rival submissions made on either side and since there is a love affair between the petitioner and the statement of victim girl under Section 164 of Cr.P.C was recorded and also considering the period of incarceration, I am inclined to grant bail to the petitioner, subject to the following conditions:

[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 **District Sessions Judge (Special Court for Exclusive of**



CRL O.P. No.19963 of 2024

trial cases under POCSO Act) at Thiruvannamalai, and on further conditions that:

[b] the petitioner shall report before the respondent police, on every day 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.

22.08.2024

jai
index: Yes/No
Speaking/Non Speaking order



WEB COPY



CRL O.P. No.19963 of 2024

To

1. The District Sessions Judge
(Special Court for Exclusive of trial cases under POCSO Act)
Thiruvannamalai.
2. The Inspector of Police,
Chetpet Police Station,
Thiruvannamalai District
3. The Central Prison, Vellore.
4. The Public Prosecutor, High Court, Madras.



WEB COPY



CRL O.P. No.19963 of 2024

P.DHANABAL,J.

jai

CRL.OP.No.19963 of 2024

22.08.2024