



CRL O.P. No.20098 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.20098 of 2024

Mohammed Aiyash,
S/o.Mohammed Saleem

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
Perur Police Station,
Coimbatore.
[Cr.No.206 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.206 of 2024 on the file of the respondent police.

For Petitioner : Mr.B.Balamurugan
For Respondent : Mr. S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 23.07.2024 for the offences under girl missing and subsequently it was altered Sections.Girl missing @ 87, 127(4) of BNS Act, 5(I), 6 of the Protection of Children from Sexual Offence Act, 2012 in Crime No.206 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 defacto-complainant's second daughter had love affair with this petitioner, believing the words of the accused, the victim girl left her home. This petitioner had forced the victim girl and he committed aggravated penetrative sexual assault on the victim girl. The victim girl is only 17 years old. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the daughter of the defacto-complainant had love affair with this petitioner. This petitioner did not force the victim girl to have sexual intercourse. Based on the false allegations of the victim girl and the defacto-complainant



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this petitioner has falsely implicated in this case. 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 this petitioner had love affair with the daughter of the defacto-complainant, he forced the victim girl to have sexual intercourse. The victim girl is only 17 years old. The petitioner was arrested and remanded to judicial custody on 23.07.2024. In this case 164 Cr.P.C. statement was recorded from the victim girl. In this case investigation almost completed. However, 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 164 Cr.P.C. statement was recorded from the victim girl and also considering the period of incarceration and other aspects, this Court is inclined to grant bail to the petitioner, subject to the following conditions:



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[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 **Principal Special Court for Exclusive Trial of Case under POCSO Act, Coimbatore** and on further conditions that:

[b] the petitioner shall report before the learned Principal Special Court for Exclusive Trial of Case under POCSO Act, Coimbatore 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;



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

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[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.

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



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P.DHANABAL,J

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To

- 1.The Principal Special Court for Exclusive Trial of Cases
under POCSO Act, Coimbatore
- 2.The Inspector of Police,
Perur Police Station,
Coimbatore.
3. Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.

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