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CRL O.P. No.20848 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.20848 of 2024

1. Nitesh Kumar,
S/o.Rambir Yadav

2. Rupeshkumar,
S/o.Ram Narayan Ray

... Petitioners

Vs

State rep. by:-

The Inspector of Police,
All Women Police Station,
Kangeyam,
Tiruppur.
[Cr.No.1 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.1 of 2024 on the file of the respondent police.



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For Petitioner : Mr.A.S.Aswin Prasanna
For Respondent : Mr. S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

The petitioners, who was arrested and remanded to judicial custody on 01.01.2024 for the offences under Sections 376D, 366 of IPC and Section 5(I), 5(g) and 6 of the POCSO Act, 2012 in Crime No.1 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the victim girl is native of Uttar Pradesh, she is aged about 17 years and she came to Tiruppur and approached the 2nd accused to get a job for her. The 2nd accused promised her to get a job for her in company and kidnapped the victim to his place. The accused persons consumed liquor and mixed the same in the cool drinks of the victim girl and they had sexual intercourse with the victim girl. Hence, the complaint.



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3. The learned counsel for the petitioners would contend that These petitioners are innocent persons and they have nothing to do with the commission of alleged offences and they are ready to abide by any condition imposed by this Court. In this case investigation completed an charge sheet has filed before the trial Court. The said case is posted for the examination of witnesses. Hence, he seeks bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that the victim girl is native of Uttar Pradesh, she is aged about 17 years and she came to Tiruppur and approached the 2nd accused to get a job for her. The 2nd accused promised her to get a job for her in company and kidnapped the victim to his place. The accused persons consumed liquor and mixed the same in the cool drinks of the victim girl and they had sexual intercourse with the victim girl. The petitioners were arrested and remanded to judicial custody on 01.01.2024. In this case investigation completed and charge sheet has filed before the trial Court. The said case is posted for the examination of witnesses. However, he objected to grant bail to the petitioner.



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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 already completed and also considering the period of incarceration underwent by the petitioner, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned **Sessions Judge, Mahalir Neethimandram, Tiruppur** and on further conditions that:

[b] the petitioners shall report before the learned Sessions Judge, Mahalir Neethimandram, Tiruppur on every working day at 10.30 A.M. until further orders;

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



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[d] the petitioners 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 petitioners 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;

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

[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].



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[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

To

- 1.The Sessions Judge, Mahalir Neethimandram,
Tiruppur
- 2.The Inspector of Police,
All Women Police Station,
Kangeyam,
Tiruppur
3. Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.



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P.DHANABAL,J
gvn

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