



WEB COPY



CRL O.P. No.21178 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL.OP.No.21178 of 2024

Chandru,
S/o.Maruthakaruppan

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
Mangalam Police Station,
Tiruppur District.
[Cr.No.249 of 2024]

... Respondent

PRAYER: - Criminal Original Petition filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.249 of 2024 on the file of the respondent police.

For Petitioner : Mr.V.Ramanareddy
For Respondent : Mr. S.Vinoth Kumar
Government Advocate (Crl.Side)



CRL O.P. No.21178 of 2024

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.07.2024 for the offences punishable under sections 137(1)(b) and 11(4) of BNS, r/w.Sections.12 and 17 of POCSO Act in Crime No.249 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that this petitioner and the victim have developed love among each other. The defacto-complainant's daughter is a friend of the victim. The defacto-complainant's daughter and the said victim girl and 1st & 2nd accused went for outing and they developed love among each other. The daughter of the defacto-complainant is only 15 years old. The petitioner caused sexual assault to the victim. Hence, the complaint.

3. The learned counsel for the petitioner would contend that only the own wish and will of the daughter of the defacto-complainant, she fell in love affair with the 2nd accused. The defacto-complainant gave a false complaint against the petitioner. This petitioner is an innocent person and



CRL O.P. No.21178 of 2024

he has nothing to do with the commission of alleged offences and he is ready to abide by any conditions imposed by this Court. Hence, he seeks bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the daughter of the defacto-complainant is only 15 years old. The 2nd accused and the daughter of the defacto-complainant have loved each other. In this case, 183(5) BNSS statement of the victim was already recorded from the victim girl. There is no previous case as against this petitioner. The petitioner was arrested and remanded to judicial custody on 16.07.2024. 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 nature of offence, 183(5) of BNSS statement of the victim was already recorded from the victim girl and taking into consideration of the said statement and there is no previous case as against this petitioner and also



CRL O.P. No.21178 of 2024

considering the period of incarceration underwent by the petitioner, this Court is 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 **Sessions Judge, Mahalir Neethimandram, (FTMC), Tiruppur** and on further conditions that:

[b] the petitioner shall report before the learned Sessions Judge, Mahalir Neethimandram, (FTMC), Tiruppur 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



CRL O.P. No.21178 of 2024

[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;

[f] the petitioner 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S., 2023.

30.08.2024

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



WEB COPY



CRL O.P. No.21178 of 2024

P.DHANABAL,J

gvn

To

- 1.The Sessions Judge, Mahalir Neethimandram, (FTMC),
Tiruppur.
- 2.The Inspector of Police,
Mangalam Police Station,
Tiruppur District.
3. Central Prison, Tiruppur.
- 4.The Public Prosecutor,
High Court, Madras.

CRL.OP.No.21178 of 2024

30.08.2024