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CRL O.P. No.22131 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :10.09.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.22131 of 2024

Kaviyarasu S/o.Perumal

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
All Women Police Station,
Harur, Dharmapuri District.
[Cr. No.8 of 2024]

... Respondent

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

PETITION FOR BAIL Under Sec.439 of Cr.P.C

PRAYER: - The Criminal Original Petition is filed under Section 439 of the Cr.P.C praying to grant bail to the petitioner in Crime No.8 of 2024 on the file of the respondent police.



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ORDER

The petitioner/accused, who was arrested and remanded to judicial custody on 30.06.2024 for the offence punishable under Sections 363, 366 of IPC and under Sections 5(I), 5(i)(ii) r/w Sec 6(1) of POCSO Act, in Crime No.8 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner forcefully had a sexual intercourse with the victim girl and hence the petitioner was arrested and remanded to judicial custody on 30.06.2024. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent and a false case has been foisted against him. He is in judicial custody for more than 60 days. Hence, he seeks bail.

4. The learned Government Advocate (Crl.Side) would submit that that the petitioner forcefully had a sexual intercourse with the victim girl and hence the petitioner was arrested and remanded to judicial custody



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on 30.06.2024 and investigation is completed. Hence he opposed to grant bail to the petitioner.

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

6. Considering the representation made on either side and considering the fact that the investigation was completed and there is a love affair between the petitioner and the victim and no previous case is pending against the petitioner and also considering the period of incarceration undergone by the petitioner from 30.06.2024, 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 *Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri*, and on further conditions that:



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[b] the petitioner shall report *before the POCSO Court, Dharmapuri, on all working days until further orders.*

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

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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.

[f] 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.

[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



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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

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To

- 1.The Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri.
- 2.The Inspector of Police,
All Women Police Station,
Harur, Dharmapuri District.
- 3.The Central Prison, Salem.
- 4.The Government Advocate (Crl.Side), High Court, Madras.



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P.DHANABAL,J.

ssa

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