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Crl.O.P.No.23372 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.23372 of 2024

Kavin

...Petitioner/Accused

Vs.

The State represented by
Inspector of Police,
Arachalur Police Station
Arachalur, Erode District.
(Crime No.305 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in Spl.S.C.No. 55 of 2024 on the file of the learned Session Judge, Mahila Court, FTMC, Erode.

For Petitioner : Mr. N.Stalin

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl. Side)

ORDER



Crl.O.P.No.23372 of 2024

WEB COPY

The petitioner, who was arrested on 07.02.2024 and remanded to judicial custody on the same day for the offences under Sections 366(A) of IPC and Sections 5(1), 6 of the POCSO Act, in Crime No. 305 of 2023 on the file of the respondent police and in Spl.S.C.No. 55 of 2024 on the file of learned Session Judge, Mahila Court, FTMC, Erode, seeks bail.

2. The case of the prosecution is that the victim girl was kidnapped by the petitioner and the petitioner committed sexual assault upon her and now the petitioner and the victim girl got married. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and due to love affair, he has been falsely implicated in this case and he is a law-abiding citizen and he is ready to furnish substantial sureties for his due release on bail; therefore, he prays for the grant of bail to the petitioner.



Crl.O.P.No.23372 of 2024

WEB COPY

4. Learned Government Advocate (Crl.Side) objected for granting bail to the petitioner stating that the victim girl was kidnapped by the petitioner and the petitioner committed sexual assault upon her and now the petitioner and the victim girl got married and there is no previous case against the petitioner. He would further submit that the investigation has been completed.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made on both sides and the investigation has been completed and also taking into consideration the period of incarceration undergone by the petitioner and also the petitioner has no previous case and the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner with certain conditions:

[a]. Accordingly, the petitioner is ordered to be released on bail on his executing 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 court of ***Sessions Court – Mahalir Neethimandram (FTMC), Erode***, and on further conditions that:



Crl.O.P.No.23372 of 2024

WEB COPY

[b] the petitioner shall report before the POSCO Court on all working days 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;

[e] The petitioner shall not abscond either during investigation or trial;

[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 evidence;



CrI.O.P.No.23372 of 2024

WEB COPY

[g] on breach of any of the aforesaid conditions, the learned 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]; and

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

25.09.2024

vsg

To

1. Sessions Court – Mahalir Neethimandram (FTMC), Erode,

2.Prison, Gobichettypalayam.

3.Inspector of Police,
Arachalur Police Station
Arachalur, Erode District.

P.DHANABAL, J.

vsg

4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.23372 of 2024

Crl.O.P.No.23372 of 2024

25.09.2024