



WEB COPY



CrI.O.P.No.23062 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.23062 of 2024

A.Gowtham

...Petitioner/Accused - A2

Vs.

The State Represented by,
The Inspector of Police,
Erode All Women Police Station,
Erode District.
(Crime No.05 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of the BNS, 2023 praying to enlarge the petitioner on bail in Crime No.05 of 2024, on the file of respondent police.

For Petitioner : Ms.R.Saranya

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (CrI. Side)

ORDER



Crl.O.P.No.23062 of 2024

The petitioner/A2, who was arrested and remanded to judicial custody on 17.04.2024 for the offences under Sections 450 of the IPC and under Section 5(g) r/w Section 6 of the POCSO Act, 2012 in Crime No.05 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/A2 and other accused have committed the offence of house trespass into the victim girl and committed the sexual assault over the victim girl. Hence, the complaint.

3. Learned counsel for the petitioner/A2 submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. She further submitted that the petitioner has been in custody since 17.04.2024; that the co-accused/A1 was arrested and released on bail; that the petitioner is a law-abiding citizen; and that the petitioner is ready to furnish substantial sureties for his due release on bail. Hence, she prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) for the respondent



Crl.O.P.No.23062 of 2024

police submitted that there are two accused in this case; that the petitioner is arrayed as A2; and that the petitioner/A2 and other accused have committed the offence of house trespass into the victim girl and committed the sexual assault over the victim girl. He also submitted that there are no previous cases pending against the petitioner; that the investigation was completed; and that the co-accused was arrested and released on bail. However, he strongly opposed granting bail to the petitioner.

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

6. Considering the representation made by both sides and considering that already the investigation was completed, that the co-accused was released on bail, that there are no previous cases pending against the petitioner and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

7. 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 ***Sessions Court , Magalir Neethimandram, Fast Track Mahila Court, Erode***, and on further conditions that:

[a] the petitioner shall report before the Sessions Court, Magalir Neethimandram, Fast Track Mahila Court, Erode, on every working day at 10.30 a.m. until further orders;

[b] the petitioner shall attend in accordance with the conditions of the bond;

[c] the petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] 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;

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

[f] 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



CrI.O.P.No.23062 of 2024

Court himself as laid down by the Hon'ble Supreme Court
in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];
and

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

20.09.2024

dk

To

- 1.The Sessions Court,
Magalir Neethimandram,
Fast Track Mahila Court, Erode.
- 2.The Gobichettipalayam District Jail.
- 3.The Inspector of Police,
Erode All Women Police Station,
Erode District.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

dk



WEB COPY



Crl.O.P.No.23062 of 2024

Crl.O.P.No.23062 of 2024

20.09.2024