



WEB COPY



CRL O.P. No.25869 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.25869 of 2024

Iraiyanbu

... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
AWPS, Dharapuram,
Tiruppur District.
(Crime No.13 of 2024)

... Respondent / Complainant

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the Petitioner on bail in Crime No.13 of 2024 on the file of the respondent police.

For Petitioner : Mr.T.Shunmugarajeswaran
For Respondent : Mr.S.Vinoth Kumar
Government Advocate,
[Criminal side]



WEB COPY



CRL O.P. No.25869 of 2024

ORDER

The Petitioner seeks bail in Crime No.13 of 2024 on the file of the respondent police for the offences punishable under Sections 5(l) r/w 6 of POCSO Act and 66(E) of IT Act. The petitioner was remanded to judicial custody on 12.08.2024.

2.The case of the prosecution is that the petitioner developed a relationship with the victim girl who is the daughter of the defacto complainant and later, he uploaded the photos of the victim girl in instagram and also he had a sexual intercourse with the victim girl. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the defacto complainant misconstrued the relationship of the petitioner and the victim girl and lodged a false complaint against the petitioner. Hence, he prays for grant of bail to the petitioners.



4.The learned Government Advocate (Crl. Side) for the respondent would submit that there is love affair between the petitioner and the victim girl and in this case, investigation is completed. Hence, he vehemently opposed to grant bail to the petitioner.

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

6. Considering the nature of offence and there is a love affair between the petitioner and the victim girl and the investigation is almost completed and there is no previous case against the petitioner and also considering the period of incarceration suffered 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 Sessions Court, Mahalir Neethimandram (FTMC), Tiruppur, and on further conditions that:

[b] the Petitioner shall report before concerned POCSO Court on all working day at 10.30 a.m., until further orders.

[c] the Petitioner shall not commit any offences of similar nature.

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



CRL O.P. No.25869 of 2024

[e] the Petitioner shall not tamper with evidence or witness 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 Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

19.10.2024

smv

To

- 1.The Sessions Court, Mahalir Neethimandram (FTMC), Tirupur.
- 2.The Inspector of Police,
AWPS, Dharapuram,
Tiruppur District.
- 3.Central Prison, Coimbatore.
- 4.The Public Prosecutor, High Court, Madras.



WEB COPY



CRL O.P. No.25869 of 2024

P.DHANABAL,J
smv

CRL.OP.No.25869 of 2024

19.10.2024