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CRL O.P. No.26322 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.26322 of 2024

Vasu @ Srinivasaragavan

... Petitioner / Sole accused

Vs

State rep. by
The Inspector of Police,
AWPS, Tiruppur North Police Station,
Tiruppur District.
(Crime No.18 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.18 of 2024 on the file of the respondent police.

For Petitioner : Mr.N.Manoharan

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

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 24.09.2024, for the offences punishable under Section 366 IPC and Sections 5(l) and 6 of Protection of Children from Sexual Offences Act, 2012 in Crime No.18 of 2024, on the file of the respondent seeks bail.

2.The case of the prosecution is that the petitioner on 10.06.2023, the petitioner requested the complainant to come to his house and when she went there, he had given some eatables, and later, she went to her house. It is further alleged that again on 11.06.2023, the complainant went to the house of the petitioner and he had shown some obscene photos and threatened to upload the photos in the social media, if she refuse to co-operate with him. It is further alleged that on 26.06.2023, she was subjected to sexual assault. Hence, the case.

3.The learned counsel for the petitioner would submit that the complainant's father and the petitioner are known to each other for two years. The complainant's father had obtained money for various reasons from the the petitioner on different dates and the same have not been repaid. For avoiding repayment of money to the petitioner and to damage



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the reputation of the petitioner, the complainant's father and the complainant had filed this complaint with false allegations. He would further submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that that the petitioner has allegedly kidnapped the victim girl and taken obscene photos and threatened her that he will upload the photos in the social media and also made sexual assault on her. The statement of the victim girl under Section 183 BNSS was also recorded in this regard. He would further submit that investigation was completed and charge sheet was also filed. Hence, he vehemently opposed for grant of bail to the petitioner.

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



6. Considering the nature of allegations leveled against the petitioner and already investigation was completed and charge sheet was filed and the statement of the victim under Section 183 of BNSS was also recorded and this Court perused the statement of the victim and no previous cases are pending against the petitioner and there is a dispute pending between the parties in respect of money transactions 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 learned **Sessions Judge, Mahalir Neethimandram (FTMC), Tiruppur** and on further conditions that;

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

[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



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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;

[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 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.

23.10.2024

smv

To

- 1.The Sessions Judge,
Mahalir Neethimandram (FTMC), Tiruppur.
- 2.Sub Jail, Tiruppur.
- 3.The Inspector of Police,
AWPS, Tiruppur North Police Station,
Tiruppur District.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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