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CRL O.P. No.27905 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.11.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.27905 of 2024

Sarathkumar S/o. Saravanan

... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
All Women Police Station,
Tindivanam, Villupuram District.
[Cr. No.20 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to grant bail to the petitioner/Accused in Cr. No.20 of 2024 on the file of the respondent police.

For Petitioner : Mr. U. Kathiravan

For Respondent : Mr.S. Balaji

Government Advocate [Criminal side]

ORDER

The petitioner / Accused, who was arrested and remanded to judicial custody on 10.09.2024 for the offences punishable under Sections 5(l), 5(j)(ii), 6 of POCSO Act, 2012 and Sections 506(ii) and



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313 of IPC and Section 67(B) of IT Act in Cr. No.20 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused had committed penetrative sexual assault on the victim and made her pregnant and forced her to abort the baby. Hence the case.

3. The learned counsel for the petitioner would contend that the petitioner has been falsely implicated in this case, that he was arrested and remanded to judicial custody on 10.09.2024 for the offences punishable under Sections 5(l), 5(j)(ii), 6 of POCSO Act, 2012 and Sections 506(ii) and 313 of IPC and Section 67(B) of IT Act. In fact, this petitioner has not committed any offence as alleged by the prosecution, that he is an innocent and false case has been registered against him without any materials. Hence, he prayed that the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner and the victim were in love affair and he has committed penetrative sexual assault on the victim and made her



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pregnant and forced her to abort the baby this petitioner has recorded the video call communications and obscene photos of the victim and shared to others and also shown the same to the mother of the victim and hence he strongly opposed to grant bail to the petitioner. However, he admitted that no previous case is pending as against this petitioner and investigation was completed.

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

6. Considering the rival submissions on either side, considering the nature of offences and considering the fact that the investigation was completed and charge sheet was also filed, considering the period of incarceration by the petitioner from 10.09.2024 and also considering the fact that there is no previous case pending against this petitioner, 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



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Thousand only) with two sureties each for a like sum to the satisfaction of the **Sessions Court, Special Court for exclusive trial of cases under POCSO Act, Villupuram** 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 offence 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 abscond either during investigation or trial;

[e] 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;

[f] On breach of any of the aforesaid conditions, the learned



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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 229A IPC.

13.11.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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P.DHANABAL,J

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To

- 1.The Sessions Court, Special Court for exclusive trial of cases under POCSO Act, Villupuram
- 2.The Public Prosecutor, Madras High Court, Chennai.
- 3.The Inspector of Police, All Women Police Station, Tindivanam, Villupuram District.
4. The District Jail, Villupuram.



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