



WEB COPY



Crl.O.P.No.27426 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.27426 of 2024

Amzad Ali

... Petitioner

Vs.

The State Rep. by,
The Inspector of Police,
All Women Police Station – KVR Nagar,
Tiruppur.
(Crime No.19 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime No.19
of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Thinesh

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 12.09.2024 for the offences punishable under Section 5(1), 5(j)(ii) r/w 6
of POCSO Act, in Crime No.19 of 2024 on the file of the respondent police,
seeks bail.



Crl.O.P.No.27426 of 2024

WEB COPY

2. The case of the prosecution is that the petitioner had committed sexual assault on the minor victim girl resulting in her pregnancy, which was aborted later. Hence the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. The learned counsel appearing for the petitioner submits that the petitioner and the victim girl belong to Assam State and they are known each other and the relationship between them is consensual in nature. The petitioner hails from the lower strata of the society and without understanding the consequences had entered into such a relationship. The petitioner is having permanent address at Assam and now the petitioner is presently working in Tiruppur. However, on instructions, the learned counsel further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and he prays for grant of bail to the petitioner.

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



Crl.O.P.No.27426 of 2024

respondent police submitted that no previous case is pending against the petitioner, however, he submitted that considering the gravity of the offence, the petitioner is not entitled for any indulgence.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering 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 condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (one of which shall be either father or mother of the petitioner) each for a like sum to the satisfaction of the **Learned Sessions Judge, Mahalir Neethimandram, (FTMC), Tiruppur** and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



Crl.O.P.No.27426 of 2024

WEB COPY

[b] the petitioner shall report before the respondent Police everyday at 6.00 p.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[e] 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];

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

04.11.2024

nsi



WEB COPY



Crl.O.P.No.27426 of 2024

A.D.JAGADISH CHANDIRA,J.

nsI

To

1. Learned Sessions Judge, Mahalir Neethimandran, (FTMC), Tiruppur.
2. The Inspector of Police,
All Women Police Station, KVR Nagar,
Tiruppur.
3. Central Prison, Tiruppur.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.27426 of 2024

04.11.2024