



CRL.O.P.No.29801 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

CORAM:

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

CRL.O.P.No.29801 of 2024

Eswaramoorthi,
S/o.Selvakumar

... Petitioner

Versus

State of Tamil Nadu,
Rep. by Inspector of Police,
Uthukuli Police Station,
Tiruppur District.
(Crime No.457 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to
enlarge the petitioner on bail in Crime No.457 of 2024 on the file of the
respondent Police.

For Petitioner : Mr.C.S.Saravanan

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



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ORDER

WEB COPY Petition seeking bail in respect of Crime No.457 of 2024 registered under Section 173 of BNSS and later, altered for the offences punishable under Sections 87, 351(3) of BNS and Section 5(l) r/w Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 of Child Marriage Act is on board for consideration.

2.The incarceration of the petitioner being from 12.10.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the petitioner, aged about 21 years, is an innocent person and a false complaint has been given as against him. He would further submit that the petitioner was having a love affair with the minor victim girl and on coming to know about the same, the family members of the victim girl, have assaulted her and thereby, the victim had come out of her house and eloped along with the petitioner. He also submitted that the petitioner was arrested on 12.10.2024 near R.S.Bus Stop, Uthukuli. He also submitted that the petitioner, without understanding the consequences



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and rigours of the Protection of Children from Sexual Offences Act, had taken the minor victim girl with him and other than that he has not committed any penetrative sexual assault on the victim girl. He further submitted that the petitioner is in custody from 12.10.2024, hence, he prayed for grant of bail to the petitioner.

3.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, submitted that the petitioner, aged about 21 years, had abducted the minor victim girl, aged about 16 years, and committed penetrative sexual assault on her. He further submitted that the minor victim girl has been secured and the statement has also been recorded from her under Section 183 of BNSS.

4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the statement of the victim girl recorded under Section 183 of BNSS, this Court is inclined



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to grant bail to the petitioner with certain conditions and accordingly, he is ordered to be released on bail on his executing a bond for a sum of Rs.15,000/- (Rupees Fifteen 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:

[a] 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;

[b] the petitioner shall report before the learned Sessions Judge, Mahalir Neethimandram (FTMC), Tiruppur on all working days at 10.30 a.m., until further orders;

[c] the petitioner shall not enter into the jurisdiction of the respondent Police until further orders;

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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



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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]***;

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

28.11.2024

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To

1.The Sessions Judge,
Mahalir Neethimandram (FTMC),
Tiruppur.

2.The Inspector of Police,
Uthukuli Police Station,
Tiruppur District.

A.D.JAGADISH CHANDIRA, J.

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3.The Superintendent,
District Jail,
Tiruppur.

4.The Public Prosecutor,
High Court of Madras.

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