



CrI.O.P.No.30746 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM

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

CrI.O.P.No.30746 of 2024

Mahendran @ Anand

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station - Avinashi,
Tiruppur District.
(Crime No.13 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.13 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Vijaya Ragavan

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

ORDER

Petition seeking bail in respect of Crime No.13 of 2024 registered for the offences punishable under Sections 87 of The Bharatiya Nyaya Sanhita (BNS), 2023 and Section 3(a) read with Section 4 of Protection of Children From



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Sexual Offences Act, 2012 is on board for consideration.

2. The incarceration of the petitioner being from 28.09.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submit that, there is a love affair between the petitioner and the victim and without understanding the consequences, they involved in physical relationship. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

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, is that the accused took the victim girl to a secluded place and committed penetrative sexual assault on her. He further submit that, investigation in this case is completed, charge sheet filed and the case is now taken up in Spl.S.C.No.204 of 2022 on the file of the Mahalir Neethimandram (Fast Track Mahila Court), Tiruppur.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the



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materials available on record, and taking note of the nature of allegation, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner 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 (FAC), 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 Sessions Judge (FAC), Mahalir Neethimandram (FTMC), Tiruppur on all working days at 10.30.a.m., until further orders.

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

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

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate



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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 B.N.S.

10.12.2024

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To

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



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A.D.JAGADISH CHANDIRA.,J.

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