



Crl.O.P.No.31473 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

CORAM

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

Crl.O.P.No.31473 of 2024

Balakumar

... Petitioner

Vs.

State of Tamil Nadu

Rep. by the Inspector of Police

All Women Police Station

Dharapuram

Tirupur District.

Crime No.20 of 2024

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending investigation in Crime No.20 of 2024 on the file of the respondent police.

For Petitioner : Mr.T.Shanmuga Rajeswaran

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

ORDER

Petition seeking bail in respect of Crime No.20 of 2024 registered for the offences punishable under Section 87 & u/s. 351(2) of BNS and 5(l) r/w.

Section 6 of POCSO Act, 2012, is on board for consideration.

2.The incarceration of the petitioner being from 26.10.2024 pleading



Crl.O.P.No.31473 of 2024

innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner and the victim girl were loving each other, objecting the same the de facto complainant filed a false complaint against the petitioner. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court. He further submits that when the victim girl was brought in for recording a statement under Section 164 of the Cr.P.C., the victim had refused to make a statement against 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, is that the petitioner developed a friendship with the daughter of the de facto complainant. The petitioner by stating that if they have sexual intercourse, the parents would not be able to separate them, had sexual intercourse with her and even he took photographs of the same. When it was questioned by the de facto complainant, he threatened to upload the photographs to social media.

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 and considering the period of incarceration



Crl.O.P.No.31473 of 2024

undergone by the petitioner, 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, 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 stay at Salem and report before the Inspector of Police, Fairlands Police Station, Salem everyday at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders. It is made clear that the petitioner shall not enter the jurisdictional limits of the respondent police 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



WEB COPY



Crl.O.P.No.31473 of 2024

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 B.N.S.

17.12.2024

sai



WEB COPY



Crl.O.P.No.31473 of 2024

A.D.JAGADISH CHANDIRA., J.

sai

To

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

2.The Inspector of Police
All Women Police Station
Dharapuram, Tirupur District.

3.The Superintendent,
Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court of Madras.

5.The Inspector of Police,
Fairlands Police Station,
Salem.

Crl.O.P.No.31473 of 2024

17.12.2024