

Crl.O.P.No.11504 of 2016

S.VAIDYANATHAN, J.

The petitioner, who was arrested and remanded to judicial custody on 15.04.2016 for an alleged offences punishable under Sections 376, 366(A) of IPC r/w. Sections 6 and 8 of POCSO Act 2012 in Crime No.138 of 2016 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is alleged to have kidnapped the victim girl, who is aged about 16 years, on the promise of marrying her and had forceful physical relationship with her.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any such offence and false case has been registered as against the petitioner. He further submitted the petitioner and defacto complainant loved each other and the defacto complainant came out of her house on her own wish and they got married. He further submitted that the petitioner is custody for more than 50 days and hence he may be enlarged on bail.

4. Heard the learned Government Advocate (Crl. Side) for the respondent.

5. On the side of the prosecution, the statement of the victim girl has been produced. Even as per the statement of the victim girl, she herself went with the petitioner and they got married and they were living as husband and wife. Hence, considering the facts and circumstances of this case and considering the period of incarceration of the petitioner, I am inclined to grant bail to the petitioner.

S. VAIDYANATHAN, J.

VRC

6. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Session Judge, Mahila Court, Tiruvallur, and on further condition that:

[a] the petitioner shall appear before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as when required by the respondent police, for interrogation.

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

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

[d] 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]**.

08.06.2016

VRC

Crl.O.P.No.11504 of 2016