

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Seventh day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.6920 of 2018

DINESH @ APPU,

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
N-2, KASIMEDU POLICE STATION,
CHENNAI. CR.NO.1722 OF 2017

[RESPONDENT]

For Petitioner : M/S.P.VIGNESH Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested on 03.01.2018 for the offences punishable under Sections 366 (A) of IPC and Section 4 of POCSO Act 2012 in Crime No.1722 of 2017 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Andrus Morrison is that the petitioner had kidnapped his daughter namely Sibhora . Thereafter during investigation it came to light that that petitioner had sexual intercourse with the minor girl and thereby kidnapped her.

3.The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl aged about 17 years were in love with each other and that she had physical affair with her and had become pregnant and therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that due to love affair the victim girl had eloped with the petitioner herein and that the statement under section 164 Cr.P.C has been recorded in which she had stated that she had sexual intercourse with the petitioner with her consent and that major part of the investigation is over.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioner has been in custody since 03.01.2018, I am inclined to grant bail to the petitioner

6. Accordingly, the petitioner is ordered to be released on bail on his 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 XVI Metropolitan Magistrate Court, George Town, Chennai and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

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

[c] the petitioner shall not tamper with evidence or witness 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
07/03/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.XVI, GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.
[FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
N-2, KASIMEDU POLICE STATION, CHENNAI.

+1 CC to M/S.P.VIGNESH Advocate on payment of necessary charges-
sr.4526

CRL OP.6920/2018

Date :07/03/2018

ths : 07.03.2018