

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Saturday, the Twenty Eighth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN
CRIMINAL ORIGINAL PETITION No.12366 of 2018

AJITH [PETITIONER / ACCUSED]

Vs

STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
W6, ALL WOMAN POLICE STATION,
CHENNAI
CR.NO.60/2018

For Petitioner : M/S.R.GANESH KUMAR Advocate

For Respondent : MR.T.SHANMUGA RAJESWARAN Govt. Advocate
(Crl.Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest for the alleged offences under Section 366(A) and Section 6 of POCSO Act 2012.

2. The learned counsel for the petitioner has submitted that he is innocent and noway connected with alleged offence, he was arrested by the respondent police dated 03.03.2018. The false case foisted upon him for some other ulterior motive. Hence, the present petition.

3. The learned Public Prosecutor (Crl.side) has submitted that initially, the case was registered under Section Girl is Missing and later the section altered into 366(A) IPC and Section 6 of POCSO Act. The victim girl aged about 17 years, the petitioner gave a false promise to marry the victim girl and had sexual intercourse with her and further submits that the victim girl gave a 164 statement before the Magistrate Court also. Hence, he has strongly opposed to grant of bail.

4. Heard both sides and perused the records.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels and that the victim girl has been secured and also taking into account statement of victim under Section 164 and the incarceration period of the petitioner, I am inclined to grant bail to the petitioner subject to the

following conditions.

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 Additional Sessions Judge, Mahila Court, 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/-
28/04/2018

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 ADDITIONAL SESSIONS
JUDGE, MAHILA COURT, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

4 THE INSPECTOR OF POLICE,
W6, ALL WOMAN POLICE STATION,
CHENNAI

+1CC to M/S.R.GANESH KUMAR Advocate on payment of necessary
charges SR NO.8649

CRL OP.12366/2018

Date :28/04/2018

MK:28/04/2018