

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl. O.P. No.7663 of 2020

Salomon

... Petitioner

-Vs-

The State rep. By its
Inspector of Police,
W-12 Harbour All Women Police Station,
Chennai.

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.64 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.E.Sathiyaraj

For Respondent : Mr. Karthikeyan Swaminathan,
Additional Public Prosecutor

O R D E R

The Petitioner, who is the accused in Crime No.64 of 2020 for the alleged offence under Section 4 of Protection of Children from Sexual Offence Act, 2012, was arrested on 21.03.2020.

2. The case of the prosecution is that the petitioner and the victim girl had love with each other. Both of them resided in the same area. The relationship between the petitioner and the victim girl was not approved by the victim's mother. Thereafter, the victim has come to the petitioner and she forced the petitioner to join her on 21.03.2020. The victim's mother gave a complaint to the respondent police 'Girl missing'. On securing the victim, the case was altered into Section 4 of Protection of Children from Sexual Offence Act, 2012.

3. The contention of the Petitioner is that on compulsion of the victim girl, he joined the victim girl and both of them left the house. The petitioner and the victim had love affair. The petitioner is willing to marry the victim, without knowing the consequences, he moved intimately. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner and the victim girl are residing in the same locality.

The victim's mother is running tiffin stall and the petitioner used to go there regularly. At that time, the victim girl had love affair with the petitioner and they eloped. The victim's mother lodged the complaint. Thereafter, the accused sent the victim to her home on 21.03.2020. Hence, he objected for the grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and the Petitioner is in judicial custody from 21.03.2020 and the petitioner and the victim were in love with each other, due to adolescent age not knowing the consequences, they had eloped and now the victim has joined her mother and the major part of the investigation is over, this Court is inclined to grant bail to the Petitioner, subject to the following conditions:-

(a) the Petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each before the Superintendent of the concerned prison in which the Petitioner has been confined on his release;

(b) the Petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the concerned Magistrate on or before 01.07.2020, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the Petitioner shall not commit any offences of similar nature;

(e) the Petitioner shall not abscond either during investigation or trial;

(f) the Petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) the petitioner shall report before the respondent police as and when required for interrogation.

(h) 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];

(i) if the accused thereafter absconds, a fresh F.I.R. can be registered under Section 229A I.P.C.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
20/05/2020

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 SESSIONS JUDGE
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
W-12 HARBOUR ALL WOMEN POLICE STATION,
CHENNAI

CC to M/S. T.MEGANATHAN Advocate on payment of necessary charges

WEB COPY

CRL OP.7663/2020

Date :20/05/2020

RD 04/08/2020