

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.8560 of 2020

Karthik

.... Petitioner

Vs.

State rep. by

The Inspector of Police,
Thalavady Police Station,
Erode District.

(Crime No.154 of 2020)

.... Respondent

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C., to grant bail to the petitioner in Crime No.154 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.P. Saravanan

For Respondent : Mr.C.Iyyaparaj

Additional Public Prosecutor

O R D E R

The petitioner who was arrested and remanded to judicial custody on 26.04.2020 for the offence under Sections 5(n,1) & 6 of POCSO act 2012, in Crime No.154 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto-complainant is the mother of the victim. The petitioner and the victim's family are close relatives. The petitioner had misbehaved with the victim girl and had physical conduct with her, who is aged 17 years and in the process she became pregnant. Hence, the complaint.

3. The learned counsel of the petitioner submitted that the petitioner is a college going student and the victim girl is the aunt daughter of the petitioner and both the petitioner and the victim girl had developed love affair between them. Initially it was resisted by the respective family members. Despite the same, the petitioner was continuing love affair with the victim. Thereafter, they also had physical contact and in the progress the victim had become pregnant which came to the knowledge of the victim's family and in an emotional mood, complaint was lodged. The parents of the petitioner who are guardians of the victim have now agreed for the marriage after the completion of the studies of the petitioner. The parents of the petitioner also filed an affidavit to that effect that the marriage between the petitioner and the victim would be performed after the completion of the studies of the petitioner and the victim attaining the marriage age. Now both the families have come to terms and agreed for the marriage between the petitioner and the victim. Hence, prays for grant of bail.

4. The learned Additional Public Prosecutor submitted that the victim is the daughter of the petitioner's maternal uncle. When the victim was 2.5 years old, the parents of the victim got divorced and thereafter both of them got separated and settled with their respective families. The victim at that time was aged 2.5 years and then on she was staying with the petitioner's family and the petitioner's family is taking care of the victim. The victim and the petitioner developed interest between them and thereafter they loved each other and their relationship further developed and the victim has now become pregnant and the mother of the victim lodged complaint before the respondent.

5. Considering the fact that the victim has been brought up by the petitioner's family right from the age of 2.5 years and also the affidavit filed by the parents of the petitioner and the petitioner and the victim has grown up together and they are in the relationship not one of prohibitory nature, due to the adolescent age without knowing the consequences their relationship had ensued to physical relationship with each other, 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) before the Superintendent of the concerned prison.

b) thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate, failing which the bail granted by this Court shall stand

[c] 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.

[d] the petitioner shall report before the respondent police as and when required for interrogation.

[e] the petitioner shall appear before the trial Court during every hearing date without fail.

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

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

[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 petitioners 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 FIR can be registered under Section 229A IPC.

-sd/-

16/06/2020

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 JUDICIAL MAGISTRATE,
SATHYAMANGALAM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

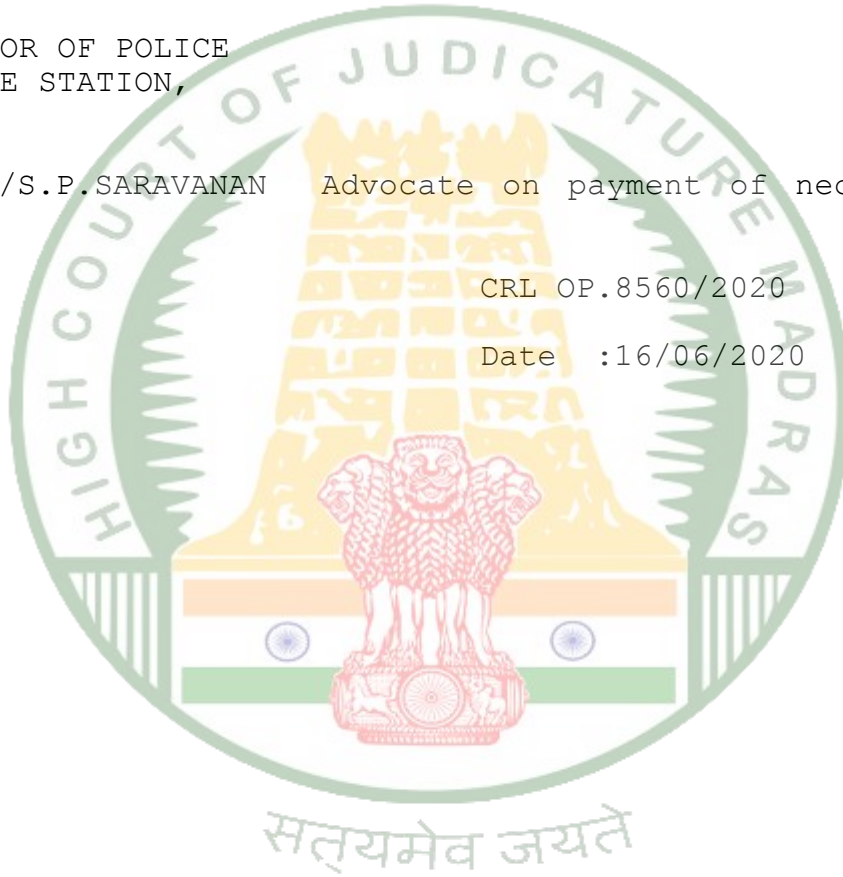
4 THE INSPECTOR OF POLICE
THALAVADY POLICE STATION,
ERODE DISTRICT.

CC to M/S.P.SARAVANAN Advocate on payment of necessary
charges

CRL OP.8560/2020

Date :16/06/2020

MK:30/09/2020



WEB COPY