

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2020

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

CRL.O.P.NO.8889 of 2020

S.Rajkumar

... Petitioner

Vs.

State rep by,

The Inspector of Police,  
All Women Police Station,  
Thiruvarur District.  
Crime No.11 of 2020.

... Respondent

**Prayer :** Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail in Crime No.11 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondent : Mr.C.Iyyappa Raj  
Additional Public Prosecutor

**ORDER**

The Petitioner who was arrested and remanded to judicial custody on 29.05.2020 for the offences punishable under Sections 5 (L), 6 of Protection of Children from Sexual Harassment Act 2012, in Crime No.11 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that in this case, defacto complainant is the mother of the victim girl. The victim was constantly followed by the petitioner who was working near her house in poultry farm. Victim is aged about 17 years old. The disturbance given by the petitioner was informed to the owner of the poultry farm, thereafter the owner of the poultry farm had stopped the petitioner from coming to the poultry farm. Despite the same, the petitioner was following the victim/ the defacto complainant's daughter. Finally on 29.05.2020, the victim had kidnapped and taken away by the petitioner. Thereafter, the complaint was lodged.

3. The learned counsel for the petitioner submitted that the petitioner and the victim girl were in love affair with each other. Victim girl is around 17 ½ years old. Their love affair was objected by the victim's parents, since the petitioner and the victim girl belong to different communities. Arrangements were made

for the victim to be married to one elderly person. On coming to know about that, the victim had left the house voluntarily and come to the petitioner's house and forced the petitioner to take her away and to marry her, failing which, she would commit suicide. The petitioner had no other option but to accompany the victim and later the victim was secured and the petitioner was arrested.

4. The learned Additional Public Prosecutor has submitted that the victim is 17 ½ years old. After finishing her IX standard, she was living in the house. But the petitioner was working in the poultry farm which is near the victim's house and thereby they developed love affair with each other and the same was objected by the victim's parents. Despite the same, they continued their love affair. The victim unable to bear the isolation and one day she left her house voluntarily and gone to the petitioner's house and thereafter both of them eloped. Later the victim was secured. The petitioner was arrested. The victim in her statement has stated that she was forcibly taken by the petitioner and thereafter he had physical relationship with her. He further submitted that during investigation has come to know that the petitioner and the victim were in love affair and the victim only has gone to the petitioner's house.

5. Considering the facts and circumstances of this case and submissions on either side and also consider the period of incarceration of the petitioner 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) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, 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 report before the Respondent Police as and when required for interrogation.

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

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

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

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the Petitioners 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]; and

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

18/06/2020

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 ADDITIONAL SESSIONS JUDGE,  
FAST TACK MAHILA COURT, THIRUVARUR.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
THIRUVARUR DISTRICT.

4 THE SUPERINTENDENT,  
DISTRICT PRISON, NAGAPATTINAM.

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

CRL OP.8889/2020

Date :18/06/2020

TA-01/12/2020