

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.13903 of 2020

Saranraj @ Saran

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Madhurantakam Police Station,
Kancheepuram District.
(Crime No.982 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.982 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 12.06.2020 for the offence punishable under **Sections 3, 4 of POCSO Act**, in Crime No.982 of 2020 seeks bail.

2. The case of the prosecution as per the defacto complainant Rajeswari is that her minor daughter was found missing. Later during the course of investigation, it came to light that the petitioner had kidnapped the minor girl and committed penetrative sexual assault on her and the victim girl was rescued on 12.06.2020. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the case of love affair has been falsely projected as a case of kidnap and sexual assault. He would submit that on coming to know about the registration of the case, the petitioner surrendered along with the victim girl and he was arrested on 12.06.2020 and the petitioner has been suffering incarceration for almost 85 days and that the major part of investigation is also over. He would further submit that the petitioner is intended to marry the victim girl once she attains majority. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner kidnapped the victim girl and committed penetrative sexual assault on her. He would submit that the girl is now under the custody of the defacto complainant. He would further submit that now the case has been transferred to All Women Police Station, Melmaruvathur and vehemently opposed for grant of bail to the petitioner.

5.Taking into consideration the facts and circumstances and the submissions made by the learned counsels and considering the period of incarceration undergone by the petitioner from 12.06.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the **learned Sessions Judge, Special Court for Exclusive Offences under POCSO Act, Chengalpattu, within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier**, 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 Inspector of Police, All Women Police Station, Melmaruvathur, daily at 10.30 a.m. until further orders.

(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];

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

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

-sd/-

08/09/2020

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 OFFENCES UNDER POCSO ACT,
CHENGALPATTU.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MADHURANTAKAM POLICE STATION,
KANCHEEPURAM DISTRICT.

5 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MELMARUVATHUR.

CC to M/S. R.SASIKUMAR Advocate on payment of necessary charges

CRL OP.13903/2020

Date :08/09/2020

MK:11/09/2020

<https://hcservices.ecourts.gov.in/hcservices/>