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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3724 of 2021

Kotti Rahul

... Petitioner

Vs.

State, Rep. By
The Inspector of Police,
All Women Police Station
Arakkonam
Ranipet District
Crime No.1 of 2021.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail in Crime No.1 of 2021, on the file of the Respondent.

For Petitioner : Mr.M.Rajinikanth

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

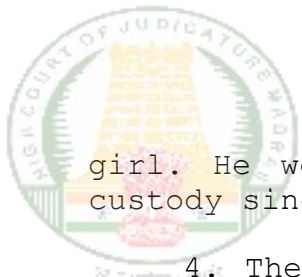
ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 09.01.2021 for the offences punishable under Sections 5 (j), (ii), 5 (1) r/w 6 of Protection of Child from Sexual Offences Act 2012 and Section 9 of Prohibition of Child Marriage Act 2006, in Crime No.1 of 2021, seeks bail.

2. The petitioner is the sole accused. The allegation is that the petitioner and the minor victim girl, who is aged 16 years were in love with each other and subsequently, the petitioner had kidnapped the victim girl and sexually assaulted her and now, she is 7 months pregnant. Based on the complaint given by the parents of the victim girl, the petitioner was arrested and remanded to judicial custody on 09.01.2021.

3. The learned counsel for the petitioner would submit that the petitioner was under the impression that the victim girl is a major and loved her. He would further submit that after she attaining majority, the petitioner would definitely marry the victim



girl. He would further submit that the petitioner is in judicial custody since 09.01.2021. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the victim girl is a minor, aged 16 years and the petitioner had kidnapped the victim girl and sexually assaulted her and now, the victim girl is 7 months pregnant. Based on the complaint given by the parents of the victim girl, the petitioner was arrested.

5. Today, the learned counsel for the petitioner has produced an affidavit of the mother of the petitioner before this Court, in which it is stated that both the father and mother of the petitioner are ready and willing to arrange the marriage of the petitioner with the victim girl after she attains majority.

6. Admittedly, the victim girl is a minor and it is stated that the petitioner had sexually assaulted the minor victim girl and it is also stated that she is 7 months pregnant. Eventhough, now it is stated that the petitioner will marry the victim girl after she attains majority, that request cannot be considered at this stage. However, considering the fact that the petitioner is in judicial custody from 09.01.2021 and the investigation is almost over, 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 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 Judicial Magistrate, Arakkonam, and on further conditions that:

(b) 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;

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

(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) on breach of any of the aforesaid conditions, the learned Judicial 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]



(h) 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.

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-sd/-
12/03/2021

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,
ARAKKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLOER. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARAKKONAM,
RENIPET DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, ARAKKONAM.

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

CRL OP.3724/2021

Date :12/03/2021

TA-15/03/2021