

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.4715 of 2021

Rakul @ Rahul

... Petitioner

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Poonamallee, Chennai
Crime No.1 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail in Crime No.1 of 2021 on the file of the respondent police.

For Petitioner : Mr.G. Magesh Kumar

For Respondent : Mrs. M. Prabhavathi,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 21.01.2021 for the offence punishable under Sections 3(a) and 4 of POCSO Act in Crime No.1/2021, seeks bail.

2. The case of the prosecution is that the petitioner fell in love with a minor victim girl, who is aged about 16 years and compelled her to have sex with him and took her to his relative's house and sexually assaulted the victim girl. Based on the complaint given by the father of the victim girl the case came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner and the victim girl loved each other and the petitioner is ready and willing to marry her after she attaining majority. Since she is a minor he was not able to marry her. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for

the respondent would submit that the petitioner had kidnapped the minor victim girl, who is aged 16 years and under the guise of marrying her and sexually assaulted her. She would further submit that 164 statements of the victim girl was recorded and the investigation was almost completed.

5. I have considered the submissions made on either side and also perused the materials available on records carefully, including the 164 Cr.P.C. statement of the victim girl after she attained majority.

6. From the perusal of the records, it could be seen that both the petitioner and the victim girl loved each other and now the petitioner is also willing to marry the victim girl.

7. Considering the said facts and circumstances of the case and investigation is almost over and 164 Cr.P.C statement of the victim girl was recorded, and also considering the period of incarceration suffered by the petitioner, 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 Court of Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Chengalpattu, 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 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.

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

-sd/-
10/03/2021

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 COURT OF SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POSCO ACT,
CHENGALPATTU.

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
POONAMALLEE, CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI.

+1 CC to M/S.G.MAGESHKUMAR Advocate on payment of necessary charges SR.NO.3122.

CRL OP.4715/2021

Date :10/03/2021

EP-10/03/2021