

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.4988 of 2021

Vicky @ Vignesh

... Petitioner

Vs.

State rep. By
The Inspector of Police,
J-9 Thuraipakkam Police Station,
Thuraipakkam, Chennai.
(Crime No.18 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.18 of 2021 on the file of Respondent police.

For Petitioner : Ms.Sangeetha Rajkumar

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

O R D E R

(The case has been heard through video conference)

The petitioner is a sole accused. The petitioner, who was arrested and remanded to judicial custody on 15.01.2021 for the offence punishable under Sections 3 and 4 of POCSO Act, in Crime No.18 of 2021 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the victim is a minor girl, aged about 14 years, studying VIII Std and the petitioner is her neighbour. They were said to have loved each other and the petitioner had blackmailed the victim girl and took her to his brother's house and they have stayed for a day. In the meantime, on a complaint given by the father of victim girl, the criminal case has been registered against the petitioner, and the petitioner was arrested and remanded to judicial custody on 15.01.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that both the petitioner and the defacto complainant are neighbours and they are loved each other. She on her own left the house and staying with

his brother's house. On the next day, her father taken her back to his house. He would submit that he is in jail for more than three months. He would submit that he is an innocent person and he is no way connected with the offence as alleged in the complaint. He would submit that he has been falsely implicated in the present case. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the victim is a 14 years minor girl and the petitioner has not only kidnapped and blackmailed the victim girl. Hence, the crime was registered against him, as, the petitioner has sexually assaulted her and the victim girl was also rescued. She would also submit that there is no bad antecedents pending against the petitioner and the investigation is almost completed. Hence, she strongly opposed to grant bail to the petitioner.

5. On perusal of records including the statement of victim girl recorded under Sec.164 of Cr.P.C., it could be seen that the petitioner had called her through phone and taken her to his brother's house. Thereafter, the petitioner had promised her that he will marry her and also blackmailed her. In the said circumstances, she has gone to the petitioner's house and stayed together. On the next day, her father went there and took her to their home. Thereafter, the complaint has been given.

6. Taking into consideration of the facts and circumstances, the investigation is almost completed and also considering the period of incarceration suffered by the petitioner for more than three months, 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 Judge, Sessions/Mahila Court, Chengalpet, 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, after his release from prison, 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.

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

-sd/-
19/03/2021

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 JUDGE,
SESSIONS/MAHILA COURT,
CHENGALPET.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
J-9, THURAIPAKKAM POLICE STATION,
THURAIPAKKAM, CHENNAI.

4 THE SUPERINTENDENT,
SUB-JAIL, POONAMALLEE, CHENNAI.

CC to M/S.P.G.SANTHOSH KUMAR Advocate on payment of necessary charges

CRL OP.4988/2021

Date :19/03/2021

EP-22/03/2021