

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.4987 of 2021

Sridhar

... Petitioner

Vs.

State Rep. by

... Respondent

The Sub- Inspector of Police,
Arani Taluk Police Station,
Thiruvannamalai District
(Crime No.3499 of 2020)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.3499 of 2020 on the file of the respondent police.

For Petitioner : Mr. D. Thirumoorthy

For Respondent : Mrs. M. Prabhavathi,
APP

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 offence punishable under Sections 363, 366, 376 of IPC and Section 3(a) and 4 of POCSO Act 2012 in Crime No.3499 of 2020, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that in the month of January 2021, the petitioner said to have kidnapped the victim girl, aged about 17 years and sexually assaulted her. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the the victim girl and the petitioner loved each other and the victim girl, on her own volition, eloped with the petitioner. He would further submit that 164 CRPC statement of the victim has been recorded, in which, the victim has admitted that on her own will, she left the parental home and eloped with the petitioner. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that victim is a minor girl. The petitioner kidnapped the victim with an intention to sexually assault her. She would further submit that 164 CRPC statement of the victim has been recorded. Investigation is almost completed. However, she opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the fact that the victim girl is at the verge of attaining majority and as per the 164 CRPC statement of the victim, the minor girl on her own, left the home and eloped with the petitioner and the fact that investigation is almost completed, 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 learned Special Court for POCSO Act Cases, Tiruvannamalai 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, on release from the 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.

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

-sd/-
16/03/2021

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 SPECIAL COURT FOR POCSO ACT CASES,
TIRUVANNAMALAI .

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,
ARANI TALUK POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL JAIL, VELLORE.

CC to S/O.S.P.ARTHI Advocate on payment of necessary charges

CRL OP.4987/2021

Date :16/03/2021

TA-17/03/2021

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