

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.6399 of 2021

K. Kaviyarasan

... Petitioner

Vs.

State rep.by

The Sub-Inspector of Police,
Kalambur Police Station
Thiruvannamalai District
(Crime No.2707 of 2020)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.2707 of 2020 on the file of the respondent police.

For Petitioner : Mr.M. Rebecca

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 02.02.2021 and remanded to judicial custody for the offences under Sections girl missing altered to 363, 366(A) of I.P.C and Section 5(1), 6 of Pocso Act 2012, and Section 9 of Prohibition of Child Marriage Act 2006 in Cr.No.2707 of 2020 on the file of the respondent police, seeks bail.

2. The petitioner is the sole accused in this case. The case of the prosecution is that the petitioner abducted the minor victim girl and committed aggravated penetrative sexual assault on her. Hence, the law enforcing agency registered a case against the petitioner.

3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and the petitioner has been in jail from 02.02.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor opposed the grant of bail by stating that the petitioner abducted the minor victim girl and committed penetrative sexual assault on her. She further submits that the victim girl was rescued and investigation is almost completed.

5. Taking into consideration the fact that investigation is almost completed and the victim girl was rescued, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Tiruvannamalai, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

17/04/2021

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 SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, TIRUVANNAMALAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

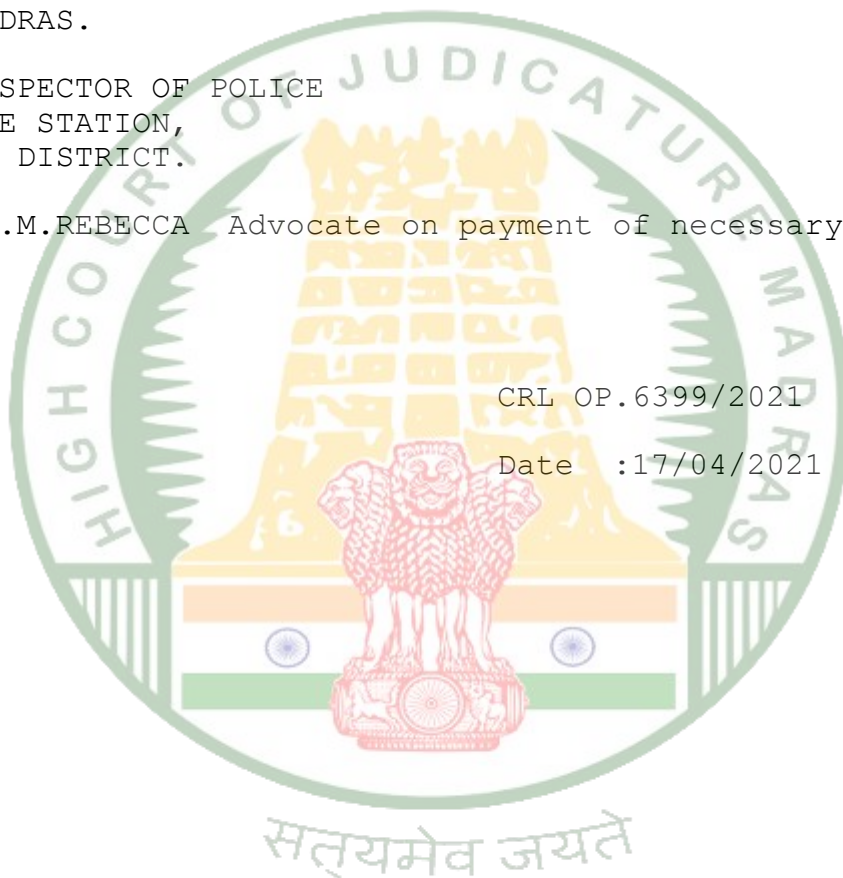
4 THE SUB INSPECTOR OF POLICE
KALAMBUR POLICE STATION,
TIRUVANNAMALAI DISTRICT.

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

CRL OP.6399/2021

Date :17/04/2021

cs 17/04/2021



WEB COPY