

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM :

THE HON'BLE Mr.JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8613 of 2021

Viswa

... Petitioner

Vs.

The State rep. by
Inspector of Police,
W-16 All Women Police Station,
Pulianthope, Chennai.
(Crime No.245 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.245 of 2021 pending on the file of the respondent.

For Petitioner : Mr.M.I.Javid Akbar

For Respondent : Mr.L.Charles Premkumar
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

Heard the learned counsel on either side.

2. The petitioner is in custody since 12.03.2021 for the offence under Section 366 of IPC and Section 5(1) r/w 6 of POCSO Act in Crime No.245 of 2021.

3. Though the learned Government Advocate (Crl. Side) would strongly oppose the grant of bail by pointing out that the medical opinion is still awaited, I am inclined to show indulgence taking note of the relationship between the parties. The petitioner is aged about 20 years and the victim girl is aged about 17 years. It appears to be a case of love affair.

4. Hence, bail is granted 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 Mahila Court, Chennai, 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 not commit any offences of similar nature;

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

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

(f) 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];

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

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

-sd/-
06/05/2021

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,
MAHILA COURT, CHENNAI.

2 THE INSPECTOR OF POLICE,
W-16, ALL WOMEN POLICE STATION,
PULIANTHOPE, CHENNAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT OF MADRAS, CHENNAI.

+ 2 CC to M/S.M.I.JAVID AKBAR Advocate on payment of necessary
charges SR.No.5881

CRL OP.8613/2021

Date :06/05/2021

rg.07.05.2021