

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.11085 of 2021

Vasanth @ Vasanthakumar

... Petitioner

Vs.

The State Represent by
The Inspector of Police,
Harur All Women Police Station,
Harur, Dharmapuri District
Cr.No.168 of 2021

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in Cr.No.168 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.J.Bharathiraja

For Respondent : Mr.A.Gopinath
Government Advocate (CrI side)

ORDER

The petitioner, who was arrested on 16.04.2021 and remanded to judicial custody for the offences under Section 363, 366 IPC and Section 6, 5(1) of POCSO Act in Cr.No.168 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the father of the victim girl, who is a minor and he lodged a complaint before the respondent Police alleging that on 18.03.2021, the victim girl was kidnapped by the petitioner and also committed sexual assault on her. Hence, the petitioner was arrested by the law enforcing agency.

3. The learned counsel for the petitioner submitted that this Court, on an earlier occasion, directed the petitioner to inform whether he is willing to marry the victim girl or not and posted the case on 06.07.2021. To that effect, the petitioner has filed an undertaking affidavit dated 30.06.2021 stating that he is ready and willing to marry the victim girl. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl.Side) submitted that this Court, on an earlier occasion, directed to ascertain whether the victim is willing to marry the petitioner or not. The victim girl, who is major now, is ready and willing to marry the petitioner. Hence, he has not raised any serious objection to grant bail to the petitioner.

5. This Court is of the view that on perusal of the 164 statement, there is no serious allegation made against the petitioner and further considering the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Jailer, District Jail, Dharmapuri, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Fast Track Mahila Court, Dharmapuri;.

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.

(d) 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;

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

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

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

(h) 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;

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

-sd/-
06/07/2021

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 FAST TRACK MAHILA COURT,
DHARMAPURI.

2 THE INSPECTOR OF POLICE,
HARUR ALL WOMEN POLICE STATION,
HARUR, DHARMAPURI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, DHARMAPURI.

+1 CC to M/S. J.BHARATHI RAJA Advocate on payment of necessary charges SR.NO. 7112

सत्यमेव जयते

WEB COPY
CRL OP.11085/2021
Date :06/07/2021

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