



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P.No.11759 of 2021

WEB COPY

Tamilarasu

... Petitioner

Vs.

State represented by
Inspector of Police,
Deevattipatti Police Station,
Salem District.
Crime No.330 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., praying to enlarge the petitioner/accused on bail in connection with the Crime No.330 of 2021 pending on the file of the respondent police.

For Petitioner : Mr. K. Sathish Kumar

For Respondent : Mr.A.Gopinath
Government Advocate(Cr1. side)

O R D E R

The petitioner who is arrested on 31.05.2021 for the offence under Sections 363, 366 of I.P.C and subsequently altered into Sections 363, 366 of I.P.C r/w 5(1) and 6 of POCSO Act, 2012 in Crime No.330 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the victim girl fell in love with each other. Subsequently the petitioner eloped with the minor girl and sexually assaulted her. Based on the complaint given by the mother of the victim girl, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner and the victim girl fell in love each other. He further submits that the victim girl on her own volition came out of the house to marry the petitioner. Apart from that he has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the case and he is judicial custody from 31.05.2021. However he further submits that now the petitioner is ready and willing to marry the victim girl after she attains majority and his parents has also agreed for the marriage and he also filed an affidavit to that effect. Hence he prays for grant of bail to the petitioner.



4.The learned Government Advocate submitted that statement of the victim girl u/s 164 Cr.P.C. has been recorded, in which, the victim has admitted that on her own volition she left her parental home and went with the petitioner.

5.Considering the facts and circumstances of the case and as per the statement of the victim girl u/s 164 Cr.P.C., wherein she had admitted that on her own volition she left her home and eloped with the petitioner and also considering the fact that the petitioner having been under incarceration from 31.05.2021, this Court is inclined to grant bail to the petitioner with 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 Special Court for Exclusive Trial of cases under POCSO Act, Salem, 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 is directed to appear before the respondent police daily morning at 10.30 am 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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-sd/-
28/07/2021

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 SPECIAL COURT FOR EXCLUSIVE
TRIAL OF CASES UNDER POCSO ACT,
SALEM.

2 THE OFFICER INCHARGE,
SUB-JAIL, SALEM.

3 THE INSPECTOR OF POLICE,
DEEVATTIPATTI POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.K.SATHISH KUMAR Advocate on payment of necessary charges SR NO.7837

CRL OP.11759/2021

Date :28/07/2021

MK:29/07/2021