



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CrI.O.P.No.12147 of 2021

WEB COPY

**(\*)Ajith Kumar**

... Petitioner

Vs.

The State represented by  
The Inspector of Police,  
W-5, All Woman Police Station,  
Vepery, Chennai - 600 007.  
Crime No.367 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.,  
praying to enlarge the petitioner on bail in Crime No.367 of 2021 on  
the file of the Inspector of Police, W-5 All Woman Police Station,  
Vepery, Chennai - 600 007.

For Petitioner : Mr.B.Ganesha Moorthy

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

ORDER

The petitioner who is arrested on 25.06.2021 for the offence under Section 366 of I.P.C and Section 6 of the Prohibition of Children from Sexual Offences Act, 2012 in Crime No.367 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 belongs to two different religion and they fell in love with each other, but the same was refused by the parents of the victim girl. Subsequently, the petitioner eloped with the minor girl for marrying her. Based on the complaint given by the uncle 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 as the parents of the victim girl arranged for the marriage with another person, 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 he has been falsely implicated in the case and he is judicial custody from



25.06.2021. 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.On perusal of the statements recorded under Section under 164 of Cr.P.C, it is made clear by the victim girl that she on her own volition came out her house to marry the petitioner.

6. Considering the facts and circumstances of the case and as per the statement of the victim girl u/s 164 Cr.P.C., the minor girl had admitted that she had, on her own, left her home and eloped with the petitioner and also considering the fact that the petitioner having been under incarceration from 25.06.2021, this Court is inclined to grant bail to the petitioner with following conditions:

7.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, Chennai, 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.

**(\* Amended as per Order of this Court dated 24/08/2021 in Crl.MP.8231 of 2021 in Crl.O.P.No.12147 of 2021**

TO

1 THE SPECIAL COURT FOR  
EXCLUSIVE TRIAL OF CASES  
UNDER POCSO ACT, CHENNAI.

2 THE INSPECTOR OF POLICE,  
W-5 ALL WOMAN POLICE STATION,  
VEPERY, CHENNAI - 600 007.

3 THE SUPERINTENDENT,  
CENTRAL PRISON, PUZHAL,  
CHENNAI.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S. GANESHA MOORTHY B. Advocate on payment of  
necessary charges SR.NO. 9031

CRL OP.12147/2021

Date :28/07/2021

JPA 29/07/2021

INBA 03/09/2021