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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CrI.O.P.No.12424 of 2021

Govindasamy

... Petitioner

Vs.

State represented by
The Inspector of Police,
Polur AWPS Police Station,
Tiruvannamalai District.
Crime No.4 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.,
praying to enlarge the petitioner on bail in Crime No.4 of 2021 on
the file of the respondent.

For Petitioner : Mr.B.Mahendra Naidu

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

ORDER

The petitioner who was arrested on 15.05.2021 for the offence under Sections 363, 366(A) IPC and Section 5(j)(ii), 5(1), 6 and 17 of the Prohibition of Children from Sexual Offences Act, 2012 in Crime No.4 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner fell in love with a minor victim girl, who is aged about 15 years and compelled her to have sex with him and took her to his house and sexually assaulted the victim girl and refused to marry her. Hence the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner 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 in judicial custody for the past 73 days. However he further submits that now the petitioner is ready and willing to marry the victim girl after she attains majority. Hence he prays for grant of bail to the petitioner.

4.The learned Government Advocate appearing for the respondent would submit that the petitioner had kidnapped the minor victim girl, who is aged 15 years and under the guise of marrying her and sexually assaulted her. He would further submit that 164 statements of the victim girl were recorded and the investigation was almost completed.



5. I have considered the submissions made on either side and also perused the materials available on records carefully, including the 164 Cr.P.C. statement of the victim girl.

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6. On perusal of the statements of the victim girl recorded under section 164 of Cr.P.C reveals that the victim girl and the petitioner were in love with each other and the petitioner had also promised to marry the victim girl and that the petitioner had gone to the house of the victim and took her to his house and she went on her own volition. In such circumstances, this Court is inclined to grant bail to the petitioner subject to the 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 learned Judicial Magistrate No.II, Thiruvannamalai, 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.

-sd/-
28/07/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



1 THE JUDICIAL MAGISTRATE NO.II,
THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVANNAMALAI DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
POLUR AWPS POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S B.MAHENDRA NAIDU Advocate on payment of necessary
charges

CRL OP.12424/2021

Date :28/07/2021

INBA 29/07/2021