



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.13108 of 2021

Aravindan

.. Petitioner

Vs.

State Rep by
The Inspector of Police,
W-27, All Women Police Station,
Vadapalani, Chennai - 600 026.
(Cr.No.9 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 in Cr.No.9 of 2021 on the file of the respondent police.

For Petitioner : Mr.N.Senthilkumar

For Respondent : Mr.C.E. Pratap
Government Advocate (Criminal Side)

ORDER

The petitioner who was arrested on 20.05.2021 and remanded to judicial custody for the offences under Section 6 of POCSO Act, in Crime No.9 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner who was already got married misbehaved with the victim girl, who is aged about 17 years, and had sexual intercourse with her. Hence, the parents of the victim girl filed the present complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in the case and he is in judicial custody from 20.05.2021. He further submits that the petitioner filed a bail application before the learned Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, in CrI.MP.No.596 of 2021 and was dismissed on 22.07.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (CrI.Side) submitted that the petitioner misbehaved with the victim girl when her parents went to their uncle house. He would further submit that statements of the victim girl u/s 164 Cr.P.C was recorded and the investigation was



almost completed. However he opposed for grant of bail to 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 was aware of the fact that the petitioner was already married. It is further submitted by the victim girl that the petitioner had sexual intercourse with the victim girl with her consent only.

6. Considering the facts of the case and the period of incarceration suffered by the petitioner, 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, each for a like sum to the satisfaction of the learned *Special Courts 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 shall report before the respondent police, daily at 10.30 a.m. 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 second and third petitioner 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/-

04/08/2021

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

TRUE COPY



TO

1 THE SPECIAL COURTS FOR EXCLUSIVE
TRAIL OF CASES UNDER POCSO ACT,
CHENNAI.

2 THE INSPECTOR OF POLICE,
W-27 ALL WOMEN POLICE STATION,
VADAPALANI, CHENNAI.

3 THE SUPERINTENDENT
CENTRAL PRISON,
PUZHAL, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. N.SENTHILKUMAR Advocate on payment of necessary
charges

CRL OP.13108/2021

Date :04/08/2021

CSK 05/08/2021