



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.13121 of 2021

Parvendhan

... Petitioner

Vs.

The State Represent by
The Inspector of Police,
Walajabad Police Station,
Kancheepuram District.
Crime No.792 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 Cr.P.C prayed to enlarge the petitioner on bail in connection with the case in Cr.No. 792 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : M/s. M. Rajinikanth

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

ORDER

The petitioner, who was arrested on 25.06.2021 and remanded to judicial custody for the offences under Section 363 & 366 IPC and 5 (1), 6 POCSO Act 2012 in Cr.No.792 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/Accused proposed his love to the victim girl (the age of the victims girls is 17 years) and stalked the victim girl over phone. The petitioner took the victim girl to Vallapakkam bond and promise to marry her and induced the victim girl to have sexual intercourse with him. When she refused the same, the petitioner raped the victim girl against and committed penetrative sexual assault on her. Hence, the defacto complainant lodged a complaint against the petitioner and the petitioner was arrested and remanded to judicial custody by the law enforcing agency.



3. The learned counsel for the petitioner submitted that the petitioner never committed any offence as alleged by the respondent and the above case have been foisted against him. He further submits that the petitioner is innocent of the said commission of the offence and undertakes to appear and to co-operate with the respondent police in the investigation. Therefore, he has not committed any offence as alleged by the prosecution and prays for grant of bail.

4. The learned Government Advocate (Crl.Side) submitted that there was a love affair between the petitioner and the victim girl (the age of the victim girl is 17 years) and there is no other case against the petitioner and the investigation is pending.

5. This Court is of the view that on perusal of the 164 statement, it was stated that she went along with the petitioner on her own volition and there is no serious allegation levelled 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:

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 learned Judicial Magistrate No.II, Kancheepuram, 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/-
17/08/2021

WEB COPY

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 JUDICIAL MAGISTRATE NO.II,
KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
KANCHEEPURAM [FOR INFORMATION]

3 THE OFFICER INCHARGE
SUB JAIL, KANCHEEPURAM.

4 THE INSPECTOR OF POLICE,
WALAJABAD POLICE STATION,
KANCHEEPURAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.13121/2021

Date :17/08/2021

APN 18/08/2021