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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.13765 of 2021

Mohan Raj

... Petitioner

Vs.

The State Represent by
The Inspector of Police,
W8 All Women Police Station,
veppery, Chennai.
Crime No.665 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. 665 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr. V. Vargees Amal Raja

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

ORDER

The petitioner, who was arrested on 23.06.2021 and remanded to judicial custody for the offences under Section 366 of IPC and 6 POCSO Act 2012 in Cr.No.665 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant's daughter eloped with the petitioner and the petitioner had sexual intercourse with the minor aged 15 years old girl. This is the case wherein the petitioner and the victim girl were loved each other. Hence this complaint.

3. The learned counsel for the petitioner submitted that the petitioner never committed any offence as alleged by the de-facto complainant and he never had intercourse with the victim girl. He further submits that the petitioner is innocent of the said commission of the offence. 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 15 years) and there is no other case against the petitioner and the investigation is pending.

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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 Sessions Judge, Special Court of POCSO Cases, 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.

-sd/-

17/08/2021

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 SESSIONS JUDGE,
SPECIAL COURT FOR POCSO CASES,
CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

3 THE INSPECTOR OF POLICE,
W8 ALL WOMEN POLICE STATION,
VEPERY, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to V.VARGEES AMAL RAJA Advocate on payment of necessary charges Sr.8648

CRL OP.13765/2021

Date :17/08/2021

RVR 18/08/2021