



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.13756 of 2021

WEB COPY

Ajith

... Petitioner

Vs.

State Rep by
The Inspector of Police,
B-3, Kanchi Taluk Police Station,
Kancheepuram District.
Crime No.420 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.,
praying to enlarge the petitioner on bail pending investigation in
Crime No.420 of 2021 on the file of the respondent police.

For Petitioner : Mr. R.Sasikumar

For Respondent : Mr.C.E.Pratap
Government Advocate(Crl. side)

O R D E R

The petitioner who was arrested on 11.06.2021 for the offence under Section 363, 366 of IPC & Sections 5(1) r/w 6 of POCSO Act 2012, in Crime No.420 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 fell in love with each other. Subsequently the petitioner eloped with the minor girl for marrying her. Based on the complaint given by the mother 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 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 from 11.06.2021. Hence he prays for grant of bail to the petitioner.



4.The learned Government Advocate (Crl.Side) 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. This Court had perused the statement of the victim under Section 164 of Cr.P.C. which reveals that the victim, on her own volition, she went along with the petitioner and they got married and further, the victim girl has been secured, and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with 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, each for a like sum to the satisfaction of the Special Court Exclusive of Trial of Cases under POCSO Act, Chengalpattu, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

11/08/2021

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 SPECIAL COURT EXCLUSIVE OF
TRIAL OF CASES UNDER POCSO ACT,
CHENGALPATTU

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
B-3, KANCHI TALUK POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to M/S. R.SASIKUMAR Advocate on payment of necessary charges
sr.8379

CRL OP.13756/2021

Date :11/08/2021

RVR 12/08/2021