



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.13831 of 2021

Aravindkumar

... Petitioner

Vs.

State rep. by
Inspector of Police,
Mathur Police Station,
Krishnagiri District.
Cr.No.208 of 2021

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in Crime No.208 of 2021 pending on the file of respondent police.

For Petitioner : Mr.M.Mohamed Riyaz

For Respondent : Mr.A.Gopinath
Government Advocate

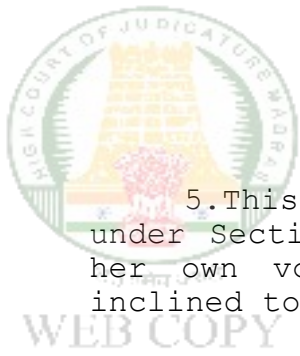
O R D E R

The petitioner who was arrested and remanded to judicial custody on 14.07.2021 for the offence under Sections 366(A) of IPC read with Section 5(1) and 6 of the Protection of Children from Sexual Offences Act, 2012 in Crime No.208 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner is alleged to have kidnapped the victim girl who is a minor.

3.The learned counsel appearing for the petitioner would submit that initially the case was registered for girl missing and thereafter it was altered. He further submitted that the petitioner and the victim girl are lovers and further submitted that the victim girl on her own volition went along with the petitioner. He further submitted that the mother of the petitioner has filed affidavit stating that the marriage of the petitioner with the victim girl will be solemnized after the victim girl attain the age of majority and further submitted that the petitioner is ready to file such an affidavit at the time of executing sureties.

4.The learned Government Advocate (Cr1. Side) submitted that investigation reveals the the petitioner and minor victim girl are lovers and on her own volition, she went along with the petitioner and further submitted that the victim girl is now 6 months pregnant.



5. This Court perused the statement of the victim girl recorded under Section 164 of Cr.P.C., which reveals that the victim girl on her own volition went along with the petitioner. Hence, I am inclined to grant bail to the petitioner.

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, Fast Track Mahila Court, Krishnagiri 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. for a period of two weeks and thereafter as and when required for interrogation;

(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 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/-
18/08/2021

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.



1 THE SESSION JUDGE,
FAST TRACK MAHILA COURT, KRISHNAGIRI.

2 THE INSPECTOR OF POLICE,
MATHUR POLICE STATION,
KRISHNAGIRI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S M.MOHAMED RIYAZ Advocate on payment of necessary
charges SR.NO.8775

CRL OP.13831/2021

Date :18/08/2021

INBA 19/08/2021