



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.15357 of 2021

Kesavan

... Petitioner

Vs.

The State rep
The Inspector of Police,
All Women Police Station,
South, Tiruppur.
Tiruppur District.
(Crime No.10 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 Crime No.10 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Shreedhar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 30.07.2021 and remanded to judicial custody for the offences punishable under Sections 5(1) and 6 of the POCSO Act 2012, in Crime No.10 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner fell in love with the victim girl and thereafter under the guise of marrying her, had sexual intercourse with the victim girl. Hence, the complaint was registered.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offence and he has been falsely implicated in this case. He further submits that the petitioner has been jail from 30.07.2021. The petitioner and the victim are loving each other and the petitioner is ready to marry the victim once attains majority. He further submits that now the petitioner is ready and willing to marry the victim girl and he has also filed an affidavit to that effect. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the statement of 164 Cr.P.C has been recorded , in which, she has not



stated any serious allegation against the petitioner. He further submits that the victim girl has been secured. Hence, the learned Government Advocate has no serious objection to grant bail to the petitioner.

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5. This Court is of the view that on perusal of the 164 statement, on her own volition, she went along with the petitioner and the victim girl has been secured and considering the period of incarceration suffered by the petitioner and the petitioner is now ready and willing to marry the victim girl and he has also filed an affidavit to that effect, this Court is inclined to grant bail to the petitioner with certain 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 learned Judicial Magistrate-1, Tirupur, 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 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/-

15/09/2021

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 JUDICIAL MAGISTRATE-1,
TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUPPUR. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SOUTH TIRUPUR.
TIRUPPUR DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, TIRUPPUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.SHREEDHAR Advocate on payment of necessary charges
SR.NO.10064

CRL OP.15357/2021

Date :15/09/2021

CSK 16/09/2021