



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.18616 of 2021

Ragu

... Petitioner

Vs.

The State rep by its
Inspector of Police,
Peranamallur Police Station,
Tiruvannamalai District.
(Crime No.388 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.388 of 2021 on the file of the respondent police.

For Petitioner : Mr.E. Sathiyaraj

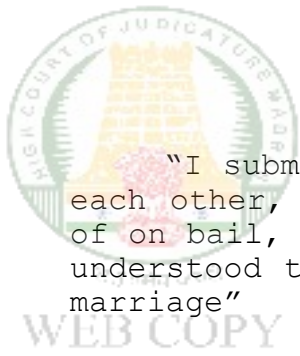
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 31.08.2021 and remanded to judicial custody for the offences under Sections 376(2)(n) of I.P.C r/w 5(i),5(j)(ii), 4 and 6 of POCSO Act 2012 in Crime No.388 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim girl and the petitioner were lovers and there was sexual relationship between them. Subsequently the victim girl became pregnant and when she went to hospital for delivering the child, the hospital authorities found that the girl was only 17 years old. Based on the complaint given by the hospital authorities the case came to be 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 offences and he has been falsely implicated in this case. He further submits that the petitioner has been jail from 31.08.2021. He further that the petitioner is ready and willing to marry the victim girl and he has filed an affidavit and the relevant portion is extracted hereunder:



"I submit that as stated above since I and victim girl were loved each other, I always ready to marry the victim girl after coming out of on bail, and my parents also consented for our marriage. Further, I understood that the parents of the victim girl also consented for our marriage" 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 serious allegation against the petitioner. Hence, the learned Government Advocate has no serious objection to grant bail to the petitioner.

5. This Court is of the view that on perusal of the 164 statement, she on her own volition had relationship with the petitioner and she further states that after attaining majority she willing to marry i.e., the petitioner, and the petitioner also ready to marry her and there is no serious allegation against the petitioner and also considering the affidavit filed by the petitioner and further considering the period of incarceration suffered by the petitioner, 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 Judicial Magistrate, Cheyyar, Thiruvannamalai 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.

WEB COPY

-sd/-

08/10/2021

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 JUDICIAL MAGISTRATE,
CHEYYAR, TIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PERANAMALLUR POLICE STATION,
THIRUVANNAMALAI DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

+1 CC to M/S SATHIYARAJ E. Advocate on payment of necessary charges SR.No.11359

CRL OP.18616/2021

Date :08/10/2021

APN 11/10/2021