



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.18931 of 2021

WEB COPY

Michael Milton

... Petitioner

Vs.

State: Represented by
The Inspector of Police,
W-30, All Women Police Station,
Poonamallee,
Chengalpattu District.
(Crime No.16 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.16 of 2021 on the file of the respondent.

For Petitioner : Mr.R.John Sathyan

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

ORDER

The petitioner who was arrested on 13.08.2021 and remanded to judicial custody for the offences under Sections 5(1) read with 6 of the Protection of Child from Sexual Offences Act 2012 in Crime No.16 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner stalked the victim girl who is a minor, aged 16 years through Instagram for a period of 10 months and proposed his love to her. Pursuant to which, he contacted the victim girl over mobile and induced her to come out from her house and took her to a lonely place and committed sexual assault on her against her Will. Thereafter he committed aggravated penetrative sexual assault on her repeatedly. Subsequently he quarrelled with the victim girl, due to which, she has consumed diluted bleaching powder. Based on the complaint made by the mother of the victim girl, the law enforcing agency registered a case against the petitioner.



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 13.08.2021. He further submits that though the victim girl expressed her love affair to the petitioner, but he refused her love proposal and it is a one side love. As the petitioner refused for her love proposal, she attempted to commit suicide, but the allegation of sexual intercourse is created only for the purpose of lodging the complaint against the petitioner. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the statement under Section 164 Cr.P.C has been recorded , in which, the victim girl stated that she has fallen in love with the petitioner and she has proposed her love to the petitioner, but, the same was refused by the petitioner. When her parents came to know about the same, they warned her, due to which, she consumed diluted bleaching powder. Apart from the above, she has not stated any serious allegation against the petitioner. Hence, the learned Government Advocate has no serious objection to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and on perusal of the 164 statement, it is seen that the victim girl has fallen in love with the petitioner and the same was refused by the petitioner and apart from that, there is no serious allegation made against 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 the learned Special Court for Exclusive 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 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/-
25/10/2021

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 SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POSCO ACT,
CHENGALPATTU.

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
W-30, ALL WOMAN POLICE STATION,
POONAMALLEE,
CHENGALPATTU DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, CHENGALPATTU.

+1 CC to M/S.R.JOHN SATHYAN Advocate on payment of necessary
charges SR.NO.11662

CRL OP.18931/2021

Date :25/10/2021

INBA-25/10/2021