



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19633 of 2021

Sarvesan

... Petitioner

Vs.

State Rep. by
Inspector of Police,
Thiruppathur Taluk Police Station,
Thiruppathur District,
(Vellore District)
(Crime No.236 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.236 of 2021 pending investigation on the file of the respondent

For Petitioner : Mr.E.Kannandasani

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

ORDER

The petitioner who was arrested on 19.08.2021 and remanded to judicial custody for the offences under Sections 366-A of IPC and subsequently altered into 366A, 363, 376(2)(n) IPC and Section 5(1)6 Protection of Children from Sexual Offence Act 2012 in Crime No.236 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that that daughter of the defacto complainant was kidnapped by the petitioner. Hence, the complaint.

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. Infact, the victim girl on her own volition eloped with the petitioner. He further submits that the victim girl is aged about 16 years and the petitioner is ready to marry the victim girl, after completion of 18 years and he has filed an affidavit to that effect. He further submits that the petitioner has been jail from 19.08.2021. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits that the statement of 164 Cr.P.C has been recorded , in which, the victim girl stated that on her own volition, she went along with the petitioner and the victim girl on her own volition eloped with the petitioner and with the consent of the victim girl, they had a sexual relationship. 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.

5. This Court is of the view that on perusal of the 164 statement, there is no serious allegation made against the petitioner and on her own volition, she went along with the petitioner and the petitioner is ready to marry the victim girl after the completion of 18 years and he also filed an affidavit to that effect 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 Sessions Judge, Special Court for Exclusive Trial of Cases for under POCSO Act-2012, Vellore 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/-

26/10/2021

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 SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
FOR UNDER POCSO ACT-2012, VELLORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUPPATHUR TALUK POLICE STATION,
THIRUPPATHUR DISTRICT,
VELLORE DISTRICT.

+1 CC to M/S. E.KANNADASAN Advocate on payment of necessary charges SR.NO.11769

CRL OP.19633/2021

Date :26/10/2021

RW 27/10/2021