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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19762 of 2021

Yuvaraj

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Kaveripakkam Police Station,
Vellore District.
(Crime No.313 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail pending investigation in Crime No.313 of 2021 on the file of respondent Police.

For Petitioner : M/S.R.Sasikumar

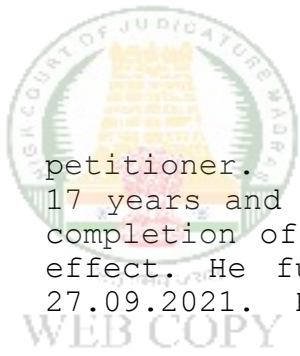
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 27.09.2021 and remanded to judicial custody for the offences under Sections Girl Missing alters into Section 363, 366(A) of IPC and Section 8 of POCSO Act 2012 and Section 9 of Child Marriage Act in Crime No.313 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had love affair with the defacto complainant's daughter and had sexual relationship with her and later, the petitioner refused to marry her. 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 petitioner and the defacto complainant are lovers and the victim girl on her own volition he went along with the



petitioner. He further submits that the victim girl is aged about 17 years and the petitioner is ready to marry the victim girl, after completion of 18 years and he has already filed an affidavit to that effect. He further submits that the petitioner has been jail from 27.09.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits the victim girl stated that on her own volition, she went along with the petitioner and had a sexual relationship with the petitioner.

5. Considering the facts and circumstances of case and also considering the submissions made by both counsel and the petitioner expressed his willingness to marry the victim girl after the completion of 18 years and he also filed an undertaking 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 Special Judge for Exclusive Trial of cases under POCSO Act-2012, Vellore, Vellore District, 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.

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-sd/-
02/11/2021

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 JUDGE FOR EXCLUSIVE
TRAIL OF CASES, UNDER POCSO ACT-2012,
VELLORE, VELLORE DISTRICT.

2 THE INSPECTOR OF POLICE,
KAVERIPAKKAM POLICE STATION,
VELLORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE OFFICER INCHARGE
SUB JAIL, WALAJA.

+1 CC to M/S. R.SASIKUMAR Advocate on payment of necessary
charges SR.NO.12361

CRL OP.19762/2021

Date :02/11/2021

JPA 02/11/2021