



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19764 of 2021

WEB COPY

Bharathidasan

... Petitioner

Vs.

State rep by
The Inspector of Police,
Thiruvallur Town Police Station,
Thiruvallur District.
(Crime No.900 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.900 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 28.09.2021 for the offences punishable under Sections 363, 365, 366, 376(1)(2)(n) of IPC and Sections 4, 6 of POCSO Act 2012, in Crime No.900 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a love affair between the petitioner and the victim girl. Further, the petitioner had kidnapped the victim girl and he had sexually assaulted on her. Thereafter, the petitioner had refused to marry the victim girl. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is in no way connected with the alleged offence and he has been falsely implicated in this case. He further submitted that the petitioner has been jail from 28.09.2021. He further submitted that the petitioner and the victim girl are loving each other and he is ready to marry the victim girl. He further submitted that the petitioner 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 under Section 164 Cr.P.C has been recorded , in which, she has not stated any serious allegation against the petitioner. He further submitted that the victim girl has been secured. He also further submitted that the defacto complainant has refused to marry 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 statement under Section 164 Cr.P.C, the victim girl, on her own volition, she went along with the petitioner and there is no serious allegation against the petitioner and the victim girl has been secured and the petitioner is now ready and willing to marry the victim girl and 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 District Mahila Judge (Fast Track Court) at Thiruvallur, 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/-
28/10/2021

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 DISTRICT MAHILA JUDGE,
(FAST TRACK COURT),
THIRUVALLUR.

2 THE INSPECTOR OF POLICE,
THIRUVALLUR TOWN POLICE STATION,
THIRUVALLUR DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, THIRUVALLUR.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S. R.SASIKUMAR Advocate on payment of necessary charges SR.NO.12005

CRL OP.19764/2021

Date :28/10/2021

INBA-28/10/2021