



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.19753 of 2021

Surya

... Petitioner

Vs.

The State represented by
The Inspector of Police
All Women Police Station,
Poonamallee, Chennai.
Crime No.21 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No.21 of 2021 on the file of the respondent police.

For Petitioner : Mr.G.MageshKumar

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 15.09.2021 for the offences under Section 5(1) and Section 6 of POCSO Act, in Crime No.21 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 victim girl. While so, on 22.04.2021, when the victim girl was alone at her home, the petitioner trespassed into her house and under the guise of marrying her, committed aggravated penetrative sexual assault on her against her will. Thereafter, whenever the victim girl was alone at home, the petitioner used to commit penetrative sexual intercourse with the victim girl forcibly and subsequently, she became pregnant. Later, the petitioner married another girl. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case since, the petitioner refused the love proposal of the victim girl. He would further submit that the petitioner has been suffering incarceration for more than 55 days from 15.09.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate raised strong objection stating that the victim girl was pregnant at the time of medical check up and now she aborted the pregnancy and that the investigation is almost completed and the statement of the victim girl has also been recorded under Section 164 Cr.P.C.

5. Considering the fact that the investigation is almost completed and also 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 the 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.

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-sd/-

11/11/2021

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 COURT FOR
EXCLUSIVE TRAIL OF CASES UNDER THE POCSO ACT,
CHENGALPATTU

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
POONAMALLEE, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S G.MAGESHKUMAR Advocate on payment of necessary
charges SR.No.12657

CRL OP.19753/2021

Date :11/11/2021

APN 12/11/2021