

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20697 of 2020

Vijay

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Valangaiman Police Station,
Tiruvarur District.
(Crime No.2073 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.2073 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. N. Palanivel

For Respondent : Mr.M. Prabavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 19.11.2020 for the offence punishable under Section 366 of IPC and Section 6, 5(1) of the Protection of Children from Sexual Offences Act, 2012 in Crime No.2073 of 2020, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the petitioner is alleged to have kidnapped the victim minor girl and committed penetrative sexual assault on her. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner and the victim girl loved each other and on her own volition, the victim girl has come out from her parental home and eloped with the petitioner. He would further submit that 164 CRPC statement of the victim has been recorded, in which, the victim has admitted that on her own will, she left the parental home and eloped with the petitioner. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that victim is a minor girl and the petitioner kidnapped the victim girl and committed penetrative sexual assault. She would further submit that investigation is over and 164 CRPC statement of the victim has been recorded, in which, the victim has stated that she was in love with the petitioner and on her own volition she left her parental home and eloped with the petitioner. However, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and considering the 164 CRPC statement given by the victim, and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Judicial Sessions Judge, Fast Track Mahila Court, Tiruvarur and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
22/01/2021

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,
FAST TRACK MAHILA COURT,
TIRUVARUR.

2 THE OFFICER INCHARGE
SUB-JAIL, NANNILAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VALANGAIMAN POLICE STATION,
TIRUVARUR DISTRICT.

+1 CC to M/S.N.PALANIVEL Advocate on payment of necessary charges
SR.No.771

सत्यमेव जयते

CRL OP.20697/2020

Date :22/01/2021

cs 25/01/2021

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