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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2021

CORAM:

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

Crl.O.P.No.21689 of 2021

Chinnathambi

.. Petitioner

Vs.

State rep.by its
The Inspector of Police,
All Women Police Station,
Mettur, Salem District.
(Crime No.10 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Spl.SC.No.121 of 2021 on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act,Salem in Crime No.10 of 2021 on the file of Inspector of Police,All Women Police Station,Mettur,Salem District.

For Petitioner : Mr.M.Senthil Kumar

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 24.08.2021 for the offences under Sections 366 of IPC and 5(1) r/w 6 of POCSO Act 2012 and 9 of Prohibition of Child Marriage Act 2006, in Crime No.10 of 2021,on the file of the respondent police,seeks bail.

2. The case of the prosecution is that the petitioner kidnapped the daughter of the defacto complainant/victim girl aged about 15 years and got married with her and he committed penetrative sexual assault on her. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any such offence as alleged by the



prosecution and he has been falsely implicated in this case. He further submits that the petitioner and the victim girl are lovers and the victim girl on her own volition went along with the petitioner for performing the marriage. He further submits that the petitioner has been suffering incarceration for more than 80 days from 24.08.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the statement of the victim girl under Section 164 of Cr.P.C has been recorded. He further submits that initially the victim girl was missing and later the respondent police came to know that the victim girl was eloped with the petitioner/accused and the petitioner had cheated her and had committed sexual assault on her. He further submits that investigation is almost completed and the victim girl has been secured and now the victim girl is under the custody of her parents.

5. Considering the period of incarceration suffered by the petitioner and also considering the fact that the victim girl has been secured and investigation almost completed, 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 Principal Special Court Exclusive Trial of Cases under POCSO Act, Salem, 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 on every Friday at 10.30 a.m., until further orders and co-operate with the investigation without fail;

(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/-

18/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SPECIAL COURT
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
SALEM

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
METTUR, SALEM DISTRICT.

CC to M/S.M.SENTHIL KUMAR Advocate on payment of necessary charges SR.NO.12993

CRL OP.21689/2021

Date :18/11/2021

RVR 18/11/2021