



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM:

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

CrI.O.P.No.21721 of 2021

Kathiresan

... Petitioner

Vs.

The State
Rep. by Inspector of Police,
Kurinjipadi Police Station,
Cuddalore District.
(Crime No.453 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners who is presently in judicial custody in Crime No.453 of 2021 on the file of the respondent police.

For Petitioners : Mr.A.T.Anbu Kumar

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 30.09.2021 for the offences under Section 366 of IPC and Section 5 (1), 6 of POCSO Act, in Crime No.453 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the victim girl were in love with each other and the parents had not accepted the marriage thereby the petitioner kidnapped the minor girl and thereafter, the petitioner had physical intercourse with the victim girl resulting in an offence under the POCSO Act. Hence the complaint.



3. The learned Counsel appearing for the petitioner submitted that he had love affair with the victim girl and she had voluntarily on her own volition had gone with petitioner. Subsequently, due to the pressure exerted by the family of the victim girl, she was taken away from the petitioner and they have lodged a false complaint against the petitioner. Hence, he prayed to grant bail to the petitioner.

4. The learned learned Government Advocate (Crl.side) produced the 164 statement recorded from the victim girl and the medical test also conducted. He would further state that the investigation is almost completed.

5. Taking into consideration, the facts and circumstances of the case and also of the fact that the victim girl has already been secured and there was a previous relationship between the petitioner and the petitioner has already suffered incarceration for more than 50 days, this Court is inclined to grant bail to the petitioner subject to the following 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 for POCSO Act Cases. Cuddalore District, and on further conditions 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 every Wednesday & Saturday at 10.30 a.m. until further orders and the petitioner is hereby directed not to have any communication with the victim girl;

(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/-
19/11/2021

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 TRIAL FOR POCSO ACT CASES,
CUDDALORE. CUDDALORE DISTRICT.

2 THE INSPECTOR OF POLICE,
KURINJIPADI POLICE STATION,
CUDDALORE DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.A.T.ANBU KUMAR Advocate on payment of necessary charges

CRL OP.21721/2021

Date :19/11/2021

CSK 22/11/2021