



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.12.2021

CORAM:

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

Crl.O.P.No.22012 of 2021

Gunasekar

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Otteri Police Station,
Chengalpattu District.
(Crime No.603 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 Crime No.603 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Thamarai Selvan

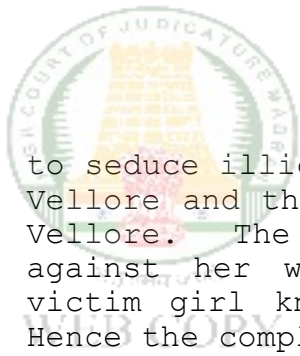
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 04.10.2021 for the offences under Sections 363, 365, 366, 376(3), 376(2), (n) of IPC Section 4, 6 of POCSO Act, 2012 & Section 9 of Child Marriage Act, in Crime No.603 of 2021, on the file of the respondent police seek bail.

2. The case of the prosecution is that there are three victims in this case. The petitioner/accused stalked one of the victim girls in this through facebook and whatsapp for a period of one year and proposed his love to her and talked to her over phone. The birthday of the said victim girl is on 01.10.2021 and the petitioner induced the victim girl to come to Vandalore Zoo. Thereafter the petitioner and the Juvenile, took three victim girls to Sivan temple at Kolambakkam. The petitioner and other accused kidnapped the three victim girls from their lawful guardian with the intention to compel them to marry and



to seduce illicit intercourse with them. They took the victim girl to Vellore and they wrongfully confined three victim girls in a lodge at Vellore. The petitioner committed rape on one of the victim girls against her will. Thereafter, the petitioner forcibly married a victim girl knowing very well that she is under the age 18 years. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner has been falsely implicated in this case and the petitioner has been suffering incarceration for more than 75 days from 04.10.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate [crl.side] raised objection stating that the victim girl has been secured and handed over to her parents and the statement of the victim girl has also been recorded under Section 164 Cr.P.C. and that the investigation is almost completed.

5. Considering the fact that the victim girl has been secured and handed over to her parents and the investigation is almost completed and also considering the period of incarceration undergone 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 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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu, 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 Tuesday and Sunday at 10.30 a.m. until further orders.

(c) The petitioner shall not disturb the victim girl and her family members and shall not have any communication with them till the dispute is solved.

(d) The petitioner should not have communication with the victim girl through any mode;

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



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

(g) 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;

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

-sd/-
17/12/2021

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,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, CHENGALPET.

2 THE INSPECTOR OF POLICE
OTTERI POLICE STATION,
CHENGALPATTU DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to R.THAMARAI SELVAN Advocate on payment of necessary charges

CRL OP.22012/2021

Date :17/12/2021

JPA 20/12/2021