



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2021

CORAM:

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

Cr1.O.P.No.22178 of 2021

Prasanth

... Petitioner

Vs.

State by,
The Inspector of Police,
Anaicut Police Station,
Vellore District.
Crime No.107 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 the Crime No. 107 of 2021 pending on file of the Inspector of Police, Anaicut Police Station, Vellore District.

For Petitioner : Mr.S.Silambu Selvan

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 07.10.2021 for the offences under Sections 363 of IPC, Section 5(1) and 6 of POCSO Act 2012, in Crime No.107 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that the defacto complainant's daughter aged about 13 years was found missing on 28.09.2021 and during the course of investigation it was found that the petitioner kidnapped the daughter of the defacto complainant and committed penetrative sexual assault on the victim girl. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration for more than 45 days from 07.10.2021. Hence, he seeks for grant of bail to the petitioner



4. The learned Government Advocate (Crl. Side) raised objection and would submit that due to love affair, the victim girl eloped with the petitioner and subsequently, the victim girl was secured and handed over to her parents and the statement of the victim under Section 164 Cr.P.C. has also been recorded and that the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that 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 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 Magistrate No.I, Vellore, 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 stay at Tanjavur and report before the Town Police Station on every Wednesday and Saturday at 10.30 a.m. until further orders and the petitioner shall not 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/-
24/11/2021

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 JUDICIAL MAGISTRATE,
NO.I, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ANAICUT POLICE STATION,
VELLORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE,
TOWN POLICE STATION, TANJAVUR.

CC to S.SILAMBU SELVAN Advocate on payment of necessary charges

CRL OP.22178/2021

Date :24/11/2021

JPA 25/11/2021