



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2021

CORAM:

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

Cr1.O.P.No.22689 of 2021

Mohan

..Petitioner

Vs.

State rep. by
The Inspector of Police,
Arcot Taluk Police Station,
Ranipet District.
(Crime No.246 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail as against the case pending on the file of the respondent police in Crime No.246 of 2021.

For Petitioner : Mr.D.Thirumoorthy

For Respondent : Mr.N.S.Suganthan
Government Advocate

O R D E R

The petitioner who was arrested and remanded to judicial custody on 26.10.2021 for the offences under Sections 363, 366 of IPC and Sections 5(i) and 6 of POCSO Act 2012 in Crime No.246 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant is the mother of the victim girl. The complaint lodged is that her daughter had fallen in love with A1 and that this petitioner being the friend of A1 had helped them getting eloped. Hence this case.

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 further submitted that the petitioner helped the A1 who is the lover of victim girl, apart from that he has no home. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) raised objection stating that the 164 statement was recorded and investigation is almost completed. However, he vehemently opposed to grant bail to the petitioner.

5. Considering all these facts, 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 their executing separate bonds 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 of cases under POCSO Act, 2012, 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 report before the respondent police on daily at 10.30 a.m. until further orders and the petitioner shall not have any communication with the victim girl and directed to co-operate for trial.

(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.

-sd/-

29/11/2021

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.



1 THE SPECIAL JUDGE FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
2012, VELLORE.

2 THE SUPERINTENDENT,
CENTRAL JAIL, VELLORE.

3 THE INSPECTOR OF POLICE,
ARCOT TALUK POLICE STATION,
RANIPET DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. S.P.ARTHI Advocate on payment of necessary charges

CRL OP.22689/2021

Date :29/11/2021

RW 30/11/2021