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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2021

CORAM:

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

Crl.O.P.No.23180 of 2021

Ajithkumar

...Petitioner

Vs.

The State rep. By its
Inspector of Police
All Women Police Station
Arakkonam
Ranipet District
Crime No.18 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in the case in Crime No.18 of 2021 o the file of the respondent police.

For Petitioner : Mr.M.Rajinikanth

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 19.10.2021 for the offences under Sections 5(1), 6 & 17 of POCSO Act, and Sections 9 & 10 of Child Marriage Act, in Crime No.18 of 2021 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner took the victim child to his house and committed aggravated penetrative sexual assault against the adolescent victim child and tied Thali in the presence of his parents. Hence, the complaint lodged by the mother of the victim.



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 out of love affair, the victim girl on her own volition married the petitioner and the petitioner and his parents are ready and willing to take care of the victim girl and that the parents of the petitioner have already filed an affidavit to that effect at the time of obtaining anticipatory bail by this Court in CrI.O.P.No.20343 of 2021. He would submit that the petitioner has been suffering incarceration for 45 days from 19.10.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (CrI. Side) raised objection but admits that the investigation is almost completed.

5. Considering the submission of the learned Counsel for the petitioner that the petitioner and his parents are ready to take care of the victim girl and 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 directed to file an affidavit before the trial Court that he would take care of the victim girl. On filing of such affidavit, 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, Arakkonam, 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 every Wednesday at 10.30 a.m. until further orders.

(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/-

03/12/2021

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 JUDICIAL MAGISTRATE,
ARAKKONAM, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, WALAJAH.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARAKKONAM. RANIPET DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.23180/2021

Date :03/12/2021

RW 06/12/2021