



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2021

CORAM:

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

Cr1.O.P.No.23831 of 2021

Appu

... Petitioner

Vs.

State rep.by
The Station House Officer,
Thiyagadurgam Police Station,
Villupuram District.
Crime No.1601 of 2021

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in connection with the Crime No.1601 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Sasi Kumar

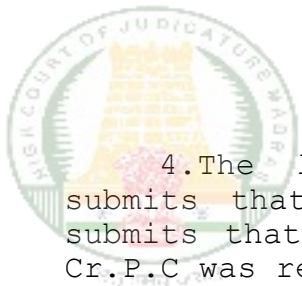
For Respondent : Mr.A.Gokula Krishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 366, 344 of IPC, r/w Section 5(1), 6 and 17 of Protection of Children from Sexual Offences Act 2012 and Section 9 and 10 of Prohibition of Child Marriage Act 2006 in Crime No.1601 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's daughter was missing and later the defacto complainant came to know that his daughter aged about 17 years was kidnapped by the petitioner. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner and the victim girl/defacto complainant's daughter are lovers and on the fear over the marriage with other person, the victim girl on her own volition went along with the petitioner and had sexual relationship with her consent. Now the victim girl was secured by the respondent police. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor on instructions submits that the investigation was almost completed. He further submits that the statement of the victim girl under Section 164 of Cr.P.C was recorded.

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5. A perusal of FIR reveals that the victim girl on her own volition went along with the petitioner and had sexual relationship with her consent and thereafter got married in the presence of petitioner's family. The co-accused was enlarged on bail.

6. Considering the submissions made by both counsel and the investigation was almost completed and also considering the fact that the victim girl on her own volition eloped with the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Sessions Judge, Special Court for under Exclusive Trial of case under POCSO Act, Villupuram on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 Sunday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

(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 has been imposed and the petitioner is 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/-

10/12/2021

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 UNDER EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, VILLUPURAM

2 THE STATION HOUSE OFFICER
THIYAGADURGAM POLICE STATION,
VILLUPURAM DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to R.SASIKUMAR Advocate on payment of necessary charges
Sr.14522

CRL OP.23831/2021

Date :10/12/2021

RVR 16/12/2021