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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM:

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

Cr1.O.P.No.24116 of 2021

Rajkumar

... Petitioner

Vs.

The 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 Petitioners : Mr.S.P.Arthi

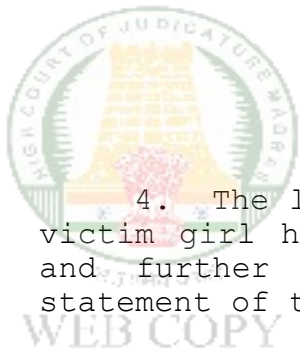
For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner who was arrested and remanded to judicial custody on 21.10.2021 for the offences under Sections 363, 366 of IPC Section 5(1) and 6 of POCSO Act 2012 in Crime No.246 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that initially the petitioner has been charged for the offence under section Girl Missing and later the respondent came to know that the petitioner was eloped with the defacto complainant's daughter and thereafter, it was altered into Sections 363, 366 of IPC and Section 5(1) , 6 of POCSO Act, 2012.

3. The learned counsel for the petitioner submits that petitioner and victim girl had love affair with each other and victim girl eloped with him on her own volition. Further he submits that the petitioner is falsely implicated in this case and he further submits that petitioner is ready and willing to marry her. He further submits that the petitioner has been suffering incarceration for more than 60 days from 21.10.2021.Hence, he prays for grant of bail.



4. The learned Government Advocate raising objection stated that victim girl had love affair with petitioner and she eloped with him and further submits that co-accused were released on bail and statement of the victim girl under Section 164 of Cr.P.C also recorded.

5. A perusal of 164 Statement reveals that the minor victim girl on her own volition eloped with the petitioner and had sexual relationship on her consent.

6. At the time of argument, the learned counsel for the petitioner on instructions submits that the petitioner has expressed his willingness to marry the victim girl, the said submissions been recorded before this Court.

7. Considering the facts and circumstances of case and considering the period of incarceration suffered by the petitioner and also the fact that the victim girl on her own volition eloped with the petitioner and petitioner has expressed his willingness to marry the victim girl, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on their executing a bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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 condition 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 before the respondent police on every Tuesday and Sunday 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/-
13/12/2021

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

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

3 THE SUPERINTENDENT,
CENTRAL JAIL, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to Mr.S.P.Arthi Advocate on payment of necessary charges
SR.NO.14603

CRL OP.24116/2021

Date :13/12/2021

JPA 13/12/2021