



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM:

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

Cr1.O.P.No.904 of 2022

Sarathkumar

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Veppur Police Station,
Cuddalore District.
(Crime No.614 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 Crime No.614 of 2021 on the file of the respondent police.

For Petitioner : Mr.D.Anbarasan

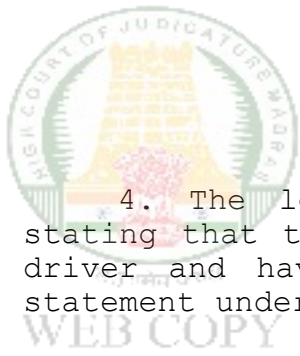
For Respondent : Mr.A.GokulaKrishnan
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 20.10.2021 for the offence under Section 448, 417, 376 of IPC and r/w 5(1), 6 of POCSO Act in Crime No.614 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner gave a false promise to the victim girl to marry her and had sexual intercourse with her, later, he refused to marry her. . Hence, the complaint

3. The learned Counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner was suffering incarceration for more than 90 days from 20.10.2021. Hence, he seeks to grant bail to the petitioner.



4. The learned Additional Public Prosecutor raised objection stating that the petitioner was already married, he is working as a driver and having two children and he further submitted that the statement under Section 164 of Cr.P.C has been recorded.

5. Considering the facts and circumstances of the case and also the fact that the investigation was almost completed and also considering period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with conditions.

[a] the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

[b] the petitioner shall execute two sureties each like sum for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Special Court of POCSO Act, Cuddalore within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

[c] 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;

[d] the petitioner shall report before the respondent police on every Monday and Saturday at 10.30 a.m. until further orders and the petitioner shall not contact with the victim girl through any mode and cooperate for the trial proceedings;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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;



[h]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
24/01/2022

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 COURT OF
POCSO ACT, CUDDALORE.

2 THE INSPECTOR OF POLICE,
VEPPUR POLICE STATION,
CUDDALORE DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.904/2022

Date :24/01/2022

JPA 25/01/2022