



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

CORAM:

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

Crl.O.P.No.1811 of 2022

R.Ajith

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Karungalpalayam Police Station,
Erode District.
(Crime No.485 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in connection with Crime No.485 of 2021 on the file of the respondent police.

For Petitioner : Mr.V.Ramana Reddy

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 02.11.2021 for the offences under Section 366 of IPC r/w Section 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO) in Crime No.485 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the minor victim girl was abducted and sexually harassed for promising to marry her by the petitioner. 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 not known to the victim girl. However, the victim girl contacted the petitioner through mobile phone as an anonymous person and later the victim girl expressed her wish to meet the petitioner in-person, for which, she asked the



petitioner's address, the petitioner shared his address and accepted to meet her on and at that time, the victim girl compelled him to marry her without even getting due consent of both the parents. He further submits that the petitioner was suffering incarceration for 114 days from 02.11.2021. Hence, he seeks to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would raise objection stating that the statement of the victim girl was recorded under Section 164 of Cr.P.C and the investigation was almost completed. He further submits that now the minor victim girl was secured and she is under the custody with her parents.

5. A perusal of 164 Statement reveals that the minor victim girl on her volition went along with the petitioner and there is no serious allegations levelled against the petitioner.

6. Considering the facts and circumstances of the case and also the fact that the minor victim girl on her volition went along with the petitioner and there is no serious allegations levelled against the petitioner and also considering the 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 Sessions Judge, Fast Track Mahila Court, Erode, 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 Tuesday at 10.30 a.m. until further orders;

[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.

-sd/-

28/01/2022

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 SESSIONS JUDGE,
FAST TRACK MAHILA COURT, ERODE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE INSPECTOR OF POLICE,
KARUNGALPALAYAM POLICE STATION,
ERODE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. V.RAMANA REDDY Advocate on payment of necessary charges SR.NO.1342

CRL OP.1811/2022

Date :28/01/2022

RW 31/01/2022