



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Cr1.O.P.No.824 of 2022

Vigneshwaran

... Petitioner

Vs.

The State,
The Inspector of Police,
Avinashi Police Station,
Tiruppur District.
(Cr.No.1111 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 trial in Spl.S.C.No.104 of 2021 pending on the file of Mahila Court, Tiruppur in Crime No.1111 of 2021 on the file of the Inspector of Police, Avinashi Police Station, Tiruppur District.

For Petitioner : Mr.B.Gopalakrishnan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 19.11.2021 for the offences under Sections of Girl Missing @ 366 of IPC and Section 7 r/w 8 of Protection of Children from Sexual Offences (POCSO) Act 2012 in Crime No.1111 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police stated that her daughter was missing on 15.11.2021. After enquiry, the respondent police found that the victim had love affair with the petitioner and eloped with him. Further, it is stated that the petitioner had sexual relationship with the victim by giving false promise 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. But, he admits the fact that the petitioner has love affair with the victim. He further submits that the petitioner has been suffering



incarceration for more than 50 days from 19.11.2021. Hence, he seeks to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) on instructions submits that the investigation was almost completed and the minor girl was secured. He further submits that the charge sheet was also filed and taken on file as Spl.S.C.No.104 of 2021 on the file of Mahila Court, Tiruppur. However, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel and the fact that the minor victim girl on her own volition eloped with the petitioner and had sexual relationship with her consent 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 for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Sessions Judge, Mahila Court, Tiruppur, 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 is directed to appear before the trial court proceedings without fail 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;



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

-sd/-

12/01/2022

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,
MAHILA COURT, TIRUPPUR

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE INSPECTOR OF POLICE,
AVINASHI POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.B.KUMARASAMY Advocate on payment of necessary charges
SR.NO.657

CRL OP.824/2022

Date :12/01/2022

RVR 19/01/2022