



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.02.2022

CORAM:

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

Cr1.O.P.No.2094 of 2022

WEB COPY

Sasikumar

... Petitioner

Vs.

State Rep by
Inspector of Police,
All Women Police Station,
Dharmapuri, Dharmapuri District.
(Crime No.21 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 Crime No.21 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 28.12.2021 for the offences under Sections 363 of IPC and subsequently altered into Section 366, 363 of IPC and 5(1), 6 of POCSO Act 2012 and Section 9 of Child marriage Act, 2006 in Crime No.21 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution that the petitioner abducted the victim girl who is aged about 15 years, got married and he has committed the offence of aggravated sexual harassment on her. Hence, the complaint.

3. The learned Counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He further submits that the petitioner was suffering incarceration for more than one month from 28.12.2021. Hence, he seeks to grant bail to the petitioner.



4. The learned Additional Public Prosecutor would raise objection stating that the statement of the victim girl under Section 164 of Cr.P.C has been recorded and the investigation was almost completed.

5. A perusal of 164 statement reveals that the victim girl had love affair with the petitioner and on her own volition, she eloped with the petitioner and got married.

6 . Considering the above facts and circumstances of the case and also the fact that the victim girl had love affair with the petitioner and on her own volition, she eloped with the petitioner and got married and the investigation was almost completed 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 Fast Track Mahila Court, Dharmapuri, 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 appear before the respondent police on every Monday at 10.30 a.m until further orders and shall not have any communication with the victim girl and her family members;

[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.

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-sd/-

01/02/2022

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 FAST TRACK MAHILA COURT,
DHARMAPURI.

2 THE OFFICER INCHARGE,
DHARMAPURI DISTRICT JAIL, DHARMAPURI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DHARMAPURI DISTRICT .

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S E.KANNADASAN Advocate on payment of necessary charges

CRL OP.2094/2022

Date :01/02/2022

RW 02/02/2022