



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.2408 of 2022

Satheesh Kumar

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Kadathur Police Station,
Dharmapuri District.
(Crime No.427 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.427 of 2021 on the file of the Inspector of Police, Kadathur Police Station, Dharmapuri District.

For Petitioner : Mr.Durai Gunasekaran

For Respondent : Mrs.G.V.Kasthuri,
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on **18.12.2021** for the offences **under Sections 363, 366 of I.P.C and Sections 5(1), 6(1) of POCSO Act, 2012 in Crime No.427 of 2021**, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the victim girl, who is aged 17 years, studying in 12th standard in Nathamedu School, had a love affair with the accused. During the relevant point of time, on 30.11.2021, at 12.00 a.m, the petitioner forcibly kidnapped the victim and against her wishes married her. Hence this complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that during the relevant point of time, only after getting consent from the victim girl, both the petitioner and the victim girl are eloped and stayed in Ooty. He would further submit that after registering the FIR, the petitioner



was arrested on 18.12.2021 and he is still in judicial custody. Accordingly, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor fairly submits that after registering the case, as of now 164 Cr.P.C. statement has been recorded from the victim girl. However she opposed this petition for enlarging the petitioner on bail.

5. Submissions made by the learned counsel on either side are considered.

6. The averments found in the FIR discloses the fact that during the relevant point of time, both the victim girl and the petitioner fell in love with each other and both were decided to run away from their respective family. Hence, further custodial interrogation may not be necessary for completing the investigation. In such circumstances, the petitioner is in judicial custody from 18.12.2021 onwards. Therefore, being the reason that the portion of the investigation has already been completed, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is ordered to be released on bail on their executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the **learned Fast Track Mahila Court, Dharmapuri**, and on further conditions 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 report before the respondent police daily at 10.00 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.

WEB COPY

-sd/-
08/02/2022

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KADATHUR POLICE STATION,
DHARMAPURI DISTRICT.

4 THE OFFICER INCHARGE
SUB JAIL, DHARMAPURI.

+1 CC to M/S DURAI GUNASEKARAN Advocate on payment of necessary charges SR.NO.2090

CRL OP.2408/2022

Date :08/02/2022

TA-09/02/2022