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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.No.2979 of 2022

Saravanamoorthi

.. Petitioner

Vs.

The State represented by
The Inspector of Police,
Kurinjipadi Police Station,
Cuddalore District.
(Crime No.628 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 the case in Crime No.628 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.D.Lakshmipathy

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

O R D E R

The petitioner who was arrested and remanded to judicial custody on 29.12.2021 for the offences under Section Girl Missing @ 366(A) of IPC r/w Sections 5(1) and 6 of Protection of Children from Sexual Offences Act, 2012 in Crime No.628 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on the day of occurrence i.e., 27.12.2021 the accused / petitioner after made false promise to marry the victim girl kidnapped her, indulged with sexual activity with her and thereby committed the alleged offence. Hence this complaint.

3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that during the relevant point of time both the petitioner and the defacto complainant got love and afterwards they are indulged in



sexual activities. The petitioner is in Judicial custody from 29.12.2021 and as of now investigation has been completed. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police vehemently opposed this petitioner and submits that during the relevant point of time after knowing the fact that the victim girl is aged about 17 years the accused indulged in sexual activities with the victim.

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

6. The averments found in the 164 Cr.P.C., statement given by the victim girl clearly shows that previous to the occurrence both the petitioner and the defacto complainant fell in love with each other and as a result of which they indulged in sexual activities, however being the reason that as of now the portion of investigation has been completed. Further, custody of the petitioner need not be necessary for completing investigation. Hence, in view of the above facts, this Court is inclined to grant bail to the petitioner with certain 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 Special Court (POCSO Act Cases), Cuddalore, 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.

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-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 SPECIAL COURT (POCSO ACT CASES),
CUDDALORE.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

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

CRL OP.2979/2022

Date :08/02/2022

INBA~09/02/2022