



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P. No.2900 of 2022

Chinraj

... Petitioner / A-1

versus

The State, represented by Inspector of Police,
Thittakudi Police Station,
Cuddalore District.
(Crime No.493 of 2021)

... Respondent /Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail pending investigation in Crime No.493 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Sekar

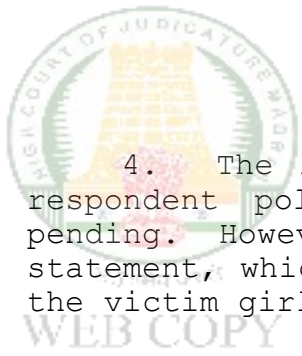
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.12.2021 for the offences punishable under Section 5(1) r/w 6 of POCSO Act, 2012 and Section 366(A) of IPC in Crime No.493 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to love affair, the petitioner eloped with the minor child, who is aged 14 years old and he misbehaved with the victim girl. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that during the relevant point of time, with the consent of the victim child, the petitioner eloped with her from their respective houses and stayed in various places. It is his specific submission that the petitioner is in judicial custody from 20.12.2021 onwards. Hence, he prays for bail.



4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she placed a copy of Section 164(5) Cr.P.C. statement, which was recorded by the learned Judicial Magistrate from the victim girl for perusal.

5. Considered the submissions made by the learned counsel appearing on either side. The respondent police registered a case against the petitioner for the offences punishable under Section 5(1) r/w 6 of POCSO Act, 2012 and Section 366(A) of IPC. The averments found in the First Information Report and the submissions made by the learned Additional Public Prosecutor would disclose the fact that during the relevant point of time, with the consent of the victim girl, the petitioner eloped with her and stayed in Chidambaram and Velankani. Therefore, the alleged occurrence had happened with the consent of the minor child, in otherwise, the petitioner is in judicial custody from 20.12.2021. As of now, a portion of the investigation has been completed and nothing is to be recovered by way of custodial interrogation.

7. Therefore, taking note of all the above said aspects into consideration and having regard to the nature of offence committed by the petitioner and also by considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to certain conditions. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Thittakudi;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner is directed to appear before the respondent police daily at 10.00 a.m. until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial 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];



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-

18/02/2022

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 JUDICIAL MAGISTRATE-I,
THITTAKUDI, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THITTAKUDI POLICE STATION,
CUDDALORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.SEKAR Advocate on payment of necessary charges
SR.No.2638

CRL OP.2900/2022

Date :18/02/2022

CSK 21/02/2022