



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

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

Crl.O.P.No.2765 of 2022

Deepak @ Deepak Kumar

... Petitioner

Vs.

State Rep by,
The Inspector of Police,
All Women Police Station,
Tambaram, Chengalpattu District
(Crime No.02 of 2022)

... 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.02 of 2022 on the file of the respondent police.

For Petitioner : Mr.Ruban Prabu

For Respondent : Mr.N.S.Sugenthan
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.01.2022 for the offences under Section 5(1), 5(j)(ii) and 6 of POCSO Act of IPC in Crime No.02 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim girl is aged about 17 years and she is studying 12th standard. The petitioner/accused has proposed his love to the victim girl and fell in love with him. On 26.11.2021, the petitioner with the sexual intent has contacted the victim girl and induced her to come to his house. Believing his words, the victim girl went to his house. Thereafter, the petitioner induced the victim girl to have a sexual intercourse with him but that was refused by her. Based on the promise made by the petitioner that he would marry her, they both had sexual intercourse. Thus, the victim girl became pregnant and later got aborted. Hence, the complaint.



3. The learned Counsel for the petitioner submits that he has not committed any offence as alleged by the prosecution and he have been falsely implicated in this case. He further submits that the victim girl has also filed affidavit before this Court stating that the victim girl and the petitioner/accused are loving each other and they have also conveyed their love affair to their family members. Following which, both of their parents have accepted their love and assured them to get married. He further submitted that the petitioner has been suffering incarceration from 14.01.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the victim girl is aged about 17 years. The petitioner/accused induced her to have sexual intercourse and thereafter based on the promise to the victim girl that he would marry her, the petitioner/accused committed aggravated penetrative sexual assault on her repeatedly. Thus, the victim girl became pregnant and thereafter, also got aborted. He further submitted that the Statement of the victim girl has also been recorded under Section 164 Cr.P.C. shows that the investigation is almost completed. However, he strongly raised objections for grant of bail to the petitioner.

5. On perusal of statement of the victim girl recorded under Section 164 Cr.P.C. reveals that the victim girl had love affair with the petitioner and had sexual intercourse and to that effect the victim girl has filed affidavit stating that the family members of both sides have agreed to perform marriage to both the victim girl and the petitioner/accused.

6. Considering all those facts and that the investigation is almost completed in this case, this Court is inclined to grant bail to the petitioner on certain conditions;

(a) Accordingly, 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) each, before the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu, within 15 days from the date of lifting of the lock down and the 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 learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;



(d) the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. until further orders.

(e) the petitioner shall file his affidavit before the trial Court;

(f) the petitioner shall not commit any offences of similar nature;

(g) the petitioner shall not abscond either during investigation or trial;

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

(i) 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];

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

-sd/-

04/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

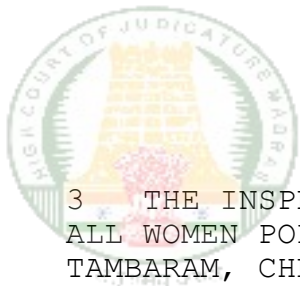
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, CHENGALPATTU.

2 THE OFFICER INCHARGE,
SUB JAIL, CHENGALPATTU.



3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TAMBARAM, CHENGALPATTU DISTRICT.

WEB COPY

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S RUBAN PRABU Advocate on payment of necessary
charges SR.NO.1902

CRL OP.2765/2022

Date :04/02/2022

RW 04/02/2022