



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2022

CORAM:

THE HON'BLE Dr.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.4255 of 2022

Ramesh

.. Petitioner

Vs.

The Inspector of Police,
AWPS - Madipakkam,
St.Thomas Mount,
Chennai.
(in Crime No.01/2022)

.. 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.1 of 2022 on the file of the Inspector of Police, All Women Police Station, Madipakkam, Chennai District.

For Petitioner : Mr.K.Muruganantham

For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.01.2022 for the offences punishable **under Section 6 of POCSO Act, 2012**, in Crime No.01 of 2022, on the file of the respondent police, seeks bail.

2. The petitioner herein was arrested on 21.01.2022 based on the complaint given by the father of the victim girl, who is a minor. According to the First Information Report, it is alleged that the petitioner herein has brainwashed the victim minor girl and had enticed her to have sexual intercourse with him.

3. The learned counsel for the petitioner submits that the defacto complainant and the petitioner are relatives, due to financial transactions, the present false complaint has been lodged and further the documents relating to the financial transactions are also produced by the petitioner herein.



4. The statement of the victim girl recorded by the Judicial Magistrate indicates that there was a consensual sex between the petitioner and victim girl.

5. Considering the facts and circumstances of the case, since the victim girl is minor, this said consent is not a valid consent. In any event, the investigation has substantially completed and the statement of witnesses is already been recorded. Hence, this Court is inclined to grant bail to the petitioner subject to the following conditions.

(a) the petitioner shall execute a bond for a sum of **Rs.50,000/- each (Rupees Fifty Thousand only)** with two sureties, each for a like sum to the satisfaction of the Special Court of POCSO Act at Chengalpattu.

(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 report before the Investigating Officer daily at 10.30 am, 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 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.

-sd/-
14/03/2022

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.



1 THE SPECIAL COURT OF POCSO ACT,
CHENGALPATTU.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
AWPS-MADIPAKKAM,
ST.THOMAS MOUNT,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

+1 CC to M/S.K.MURUGANANTHAM Advocate on payment of necessary
charges SR.NO.3841

CRL OP.4255/2022

Date :14/03/2022

TA-14/03/2022