



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2022

CORAM:

THE HON'BLE MR.JUSTICE DR.G.JAYACHANDRAN

Cr1.O.P.No.5089 of 2022

P.Naveenkumar

.. Petitioner

Vs.

The Inspector of Police,
All Women Police Station,
Chengam,
Thiruvannamalai.
(Crime No.09 of 2021)

.. Respondent

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. 09 of 2021 on the file of the Respondent police.

For Petitioner : Mr.S.Kumara Devan

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

ORDER

The petitioner, who was arrested on 24.12.2021 for the offences punishable under Sections 376(2) (n) IPC, Section 5(1), 5(j) (ii), 6 r/w 17 of POCSO Act-2012, in Crime No.09 of 2021, on the file of the respondent police, seeks bail.

2.The petitioner herein was arrested by the respondent police based on the complaint given by the defacto complainant aged about 17 years. While the petitioner claims that they loved each other and got married and living peacefully. Based on the complaint given by the father of the victim girl, the petitioner was arrested on 24.12.2021.

3. The learned Additional Public Prosecutor produced the copy of the 164 Statement of the victim girl, which indicates that the petitioner herein and the victim girl eloped and were living together. Pursuant to that, the victim girl is presently conceive.



4. Taking note of the fact that the statement of the victim girl already been recorded and further the petitioner herein who is in jail since 24.12.2021, this Court is inclined to grant bail to the petitioner.

5. In view of the above fact, bail is granted to the petitioner and he is ordered to be released on bail subject to the following conditions.

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

(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.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.

-sd/-

04/03/2022

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.

TO

1 THE SPECIAL SESSIONS COURT FOR
POCSO, TIRUVANNAMALAI.



2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CHENGAM, TIRUVANNAMALAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.KUMARA DEVAN Advocate on payment of necessary
charges SR.No.3343

CRL OP.5089/2022

Date :04/03/2022

CSK 07/03/2022