



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2022

CORAM:

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

Cr1.O.P.No.5225 of 2022

Akash

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Selaiyur Police Station,
Selaiyur.
(Crime No.15 of 2022)

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

For Petitioner : Mr.L.Ramu

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.01.2022 for the offences punishable under Sections 5(1) r/w Section 6 of POCSO Act 2012 in Crime No.15 of 2022, on the file of the respondent police, seeks bail.

2. The First Information Report given by the mother of the victim minor girl indicates that the petitioner herein had developed affair with the victim minor girl and had penetrative sexual offence. Further, he had been pressurized her to marry him and picked quarrel with the minor girl family, which is prompted the mother to lodge complaint. The 164 Cr.P.C., statement of the victim minor girl also substantiate the averments found in the First Information Report.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl were in love and they are ready to marry. But for the objection from the victim's parents, they are ready to wait till the victim girl attains majority.



4. The learned Additional Public Prosecutor says that substantial part of investigation has been completed. The investigation reveals that the date of birth of the victim girl is 19.03.2006 and the penetrative sexual offence had been committed by the petitioner herein, when the victim girl was less than 15 years old. Though it is now stated by the petitioner herein that he is ready to marry the victim girl, they had consensual sex.

5. Considering the age of the victim girl and the age of the petitioner herein and also the stage of the investigation, this Court is inclined to grant bail to the petitioner. 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.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Special Judge, Special Court for Exclusive Trial of case under POCSO Act, 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 appear before the Investigating Officer as and when required.

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

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

(f) 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];



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

WEB COPY

-sd/-

07/03/2022

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 JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRAIL OF CASES
UNDER POCSO ACT, CHENGALPATTU.

2 THE INSPECTOR OF POLICE,
SELAIYUR POLICE STATION,
SELAIYUR, KANCHEEPURAM.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. L.RAMU Advocate on payment of necessary charges
SR.No.3479/DATED:09/03/2022

CRL OP.5225/2022

Date :07/03/2022

CSK 08/03/2022