



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.5353 of 2022

R.Thalapathy

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
Tiruvannamalai,
Tiruvannamalai District.
(Crime No.5 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.5 of 2022 on pending investigation on the file of the respondent police seeks bail.

For Petitioner : Mr.B.Annamalai

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.02.2022 for the offences punishable **under Sections 363, 366 of IPC and Section 5(1) and 6 of POCSO Act, 2012 and Sec.9 of Prohibition of Child Marriage Act 2006** in Crime No.5 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein has eloped with victim minor girl aged about 16 years and had sexual intercourse with her after tying the mangalyam to her in front of the keezhanaikkarai Murugan Temple. Later, based on the complaint given by the Child Help line Member, the present case has been registered.



3. The learned Additional Public Prosecutor submits that the victim girl has been secured and the statement of the victim girl has been recorded under section 164 Cr.P.C. by the learned Magistrate and further major part of the investigation has already completed.

4. Considering the facts and circumstances of the case and also considering that the investigation almost completed and 164 statement of the victim girl has also been recorded, 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/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the **Learned Sessions Judge Special Court for Exclusive Trial Cases under POCSO Act, 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 appear 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/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/-

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.



TO

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

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUVANNAMALAI,
TIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT
CENTRAL PRISON, VELLORE.

+1 CC to M/S. B.ANNAMALAI Advocate on payment of necessary
charges SR.NO.3849

CRL OP.5353/2022

Date :14/03/2022

TA-15/03/2022