



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2022

CORAM

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

CrI.O.P.No. 6048 of 2022

Palaiya

...Petitioner

Vs

The State Rep by,
The Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.
Crime.No.172 of 2022

...Respondent

Prayer: Criminal Original petitioner is filed under Section 439 of Cr.P.C to enlarge the petitioner on bail pending investigation in Crime No.172 of 2022 on the file of the respondent police.

For Petitioner : Mr.R.Chakkaravarthy

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

O R D E R

The petitioner who was arrested and remanded to judicial custody on 24.02.2022 for the offences under Sections 366-A of IPC @ 366 of IPC, Section 7,8 of POCSO Act 2012 in Crime No.172 of 2022, on the file of the respondent police, seeks bail.

2. Heard the learned counsel for the petitioner and the Learned Additional Public Prosecutor.

3. The case of elopement by girl, who is aged about 16 years and a boy aged about 19 years. The father of the victim girl gave complaint based on the girl missing complaint they were secured by the respondent police and the boy was arrested for the offences under Sections 366-A of IPC @ 366 of IPC, Section 7,8 of POCSO Act 2012. The petitioner is in prison since 24.02.2022 seeks bail stating that he and the victim girl were in love and left the home, he has not involved in any sexual offence with the victim girl.



3. The statement of the victim girl recorded under Section 164 Cr.P.C was also does not indicate any sexual offence.

4. Considering facts and circumstances of the case, this Court is inclined to grant bail to the petitioner.

5. Accordingly, 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 Court (POCSO Act Cases), Cuddalore.

(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/-
16/03/2022

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 COURT
(POCSO ACT CASES), CUDDALORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

3 THE INSPECTOR OF POLICE,
KADAMPULIYUR POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.CHAKKARAVARTHY Advocate on payment of necessary
charges SR.NO. 3996

CRL OP.6048/2022

Date :16/03/2022

RW 17/03/2022