



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.7455 of 2022

Vignesh @ Vicky

... Petitioner

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
Arakonam, Vellore District.
(Crime No.12 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 trial in Spl.S.C.No.162 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.Karthik

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

ORDER

The petitioner, who was arrested and remanded to Judicial Custody on 28.08.2021 for the offences punishable under sections 120(B), 294(b), 342, 506(ii) of IPC R/w Section 7, 8, 17 & 16 of POCSO Act 2012 @ 120(B), 294(b), 342, 506(ii), 109, 506(i) of IPC R/w Section 7, 8, 17 & 16 of POCSO Act 2012 and section 9 & 10 of Prohibition of Child Marriage Act, 2006 in Crime No.12 of 2021, on the file of the respondent police, seeks bail.

2. The learned Counsel for the petitioner states that, the case has been falsely given by the the mother of the victim girl, since she was not ready to give her daughter in marriage to the petitioner.



3. However, the investigation discloses the fact that the victim girl is 13 years old and she was forcibly kidnapped by the petitioner and as against her wish, the petitioner tied thali.

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4. The learned Additional Public Prosecutor submits that the final report has been taken on file by the Sessions Court in Spl.S.C.No.162 of 2021.

5. In the light of the above fact that the investigation is completed and final report is also filed, this Court is inclined to grant bail to the petitioner.

6. 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 Sessions Judge, Special Court for exclusive trial of cases under POCSO Act at Vellore.

(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 shall report before the Special Court for exclusive trial of cases under POCSO Act, Vellore, on every 1st and 3rd Monday of every month.

(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/-
31/03/2022

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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 OF CASES
UNDER POCSO ACT, VELLORE.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARAKONAM, VELLORE DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.KARTHIK Advocate on payment of necessary charges
SR.NO.4900

CRL OP.7455/2022

Date :31/03/2022

JPA 01/04/2022