



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.10963 of 2022

JAYAPRAKASH @ KABILAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
KANDHILI POLICE STATION,
THIRUPPATHUR DISTRICT.
CRIME NO.43 OF 2022

[RESPONDENT]

For Petitioner : E.KANNADASAN Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 18.02.2022 for alleged offence under Sections 366A and 376 IPC and Section 5(1) r/w 6 of Protection of Children from Sexual Offence Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006 in Crime No.43 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim girl was aged about 15 years and she was forcibly married to the petitioner and the petitioner committed penetrative sexual assault on the victim girl.

3. Heard Mr.E.Kannadasan, learned counsel for the petitioner and Mr.S.Santhosh, learned Government Advocate (Criminal Side) for the respondent.

4. When the Court below recorded the statement of the victim girl under Section 164 Cr.P.C., she had specifically stated that she had love affair with the petitioner and they got married and she has not made any allegations against the petitioner as found in the F.I.R.

5. Taking into consideration the facts and circumstances of the case and the statement made by the victim girl, this Court is inclined to enlarge the petitioner on bail by imposing stringent conditions.



6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties each for a like sum to the satisfaction of the Special Judge for Exclusive Trial of Cases under POCSO Act, Vellore, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police as and when required.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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/-

19/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

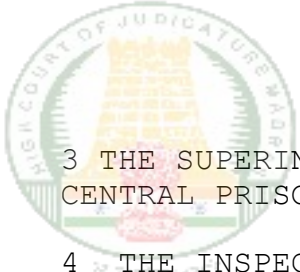
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL JUDGE FOR EXCLUSIVE TRIAL OF
CASES UNDER POCSO ACT,
VELLORE.

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

<https://hcservices.ecourts.gov.in/hcservices/>



3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE INSPECTOR OF POLICE,
KANDHILI POLICE STATION,
THIRUPPATHUR DISTRICT.

+1 CC to E.KANNADASAN Advocate on payment of necessary charges
SR.7498

CRL OP.10963/2022

Date :19/05/2022

SRG 19/05/2022