



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Third day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11715 of 2022

E.THIRUPATHI

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
JOLARPETTAI POLICE STATION
THIRUPATTUR DISTRICT.
(CRIME NO.10 OF 2022)

[RESPONDENT]

For Petitioner : M/S.D.BALAJI Advocate

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

PETITION FOR BAIL 439 Cr.P.C.

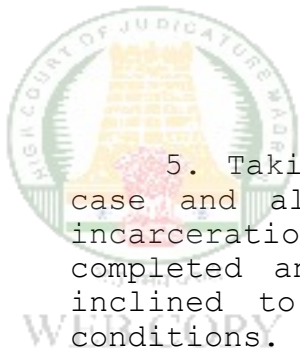
ORDER : The Court Made the following order :-

The petitioner who was arrested and remanded to judicial custody on 10.01.2022, for alleged offences under Sections 363, 366, 376(2) (n) of IPC and Section 5(1) and 6 of POCSO Act, 2012 and Section 9 of Prohibition of Child Marriage Act, seeks bail.

2. The case of the prosecution is that the petitioner forcibly kidnapped the minor victim girl and married her and committed sexual assault on the victim.

3. Heard Mr.D.Balaji, learned counsel for the petitioner and Mr.S.Santhosh, learned Government Advocate (Crl. Side) for the respondent police.

4. This Court carefully went through the 164 Cr.P.C. statement recorded from the victim girl and it is seen that the victim girl and the petitioner had love affair and both of them had gone to Tirupathi and married in the temple. They had sexual intercourse and they were staying together and there was no force exerted by the petitioner to take the victim girl along with her.



5. Taking into consideration the facts and circumstances of the case and also the fact that the petitioner has already suffered incarceration for nearly 131 days and the investigation has been completed and final report has already been filed, this Court is inclined to enlarge the petitioner on bail subject to stringent conditions.

6. In view of the above, 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 learned Sessions Judge, Special Court for exclusive Trial of cases under POCSO Act, 2012, 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 for interrogation.

[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 petitioners 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/-
23/05/2022

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 SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT 2012, VELLORE.

2 THE INSPECTOR OF POLICE
JOLARPETTAI POLICE STATION
THIRUPATTUR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. D.BALAJI Advocate on payment of necessary charges
SR.No.7800

CRL OP.11715/2022

Date :23/05/2022

CSK 24/05/2022