



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice D. BHARATHA CHAKRAVARTHY

CRIMINAL ORIGINAL PETITION No.12589 of 2022

A.SUGUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CHENGAM TOWN AND TALUK,
THIRUVANNAMALAI DISTRICT
CRIME NO.2 OF 2022.

[RESPONDENT]

For Petitioner : M/S.DALIT TIGER C. PONNUSAMY Advocate

For Respondent : MR.A.DAMODARAN, Additional public Prosecutor

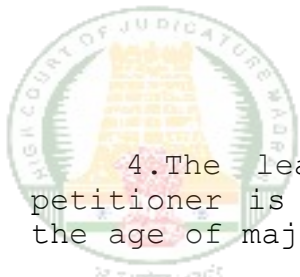
PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner herein, who was arrested and remanded to judicial custody on 02.03.2022 for the alleged offences under Sections 376 (2) (n) of IPC r/w 5(1), 5(j)(ii) r/w Section 6 of the POCSO Act, in Crime No.02 of 2022 on the file of the respondent police, seeks bail.

2.On a perusal of the Section 164 statement recorded by the learned magistrate, it is clear that the petitioner had relationship with the victim child, who is 16 years old, on account of which, she got pregnant and now, she has also delivered a child.

3.The learned Government Advocate (Criminal side), appearing for the respondent would submit that the victim child is expressing her willingness to get married with the accused/petitioner and continue their relationship, once she attains the age of 18 years.



4. The learned counsel for the petitioner submitted that the petitioner is also ready to marry the victim girl, once she attains the age of majority and seeks to grant bail to the petitioner.

5. Considering the above facts that the petitioner is in judicial custody from 02.03.2022, I am inclined to enlarge the petitioner on bail subject to imposing certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Thiruvannamalai District, on the following conditions:-

[a] the petitioner shall file an affidavit before the aforesaid Court, by undertaking categorically that he will marry the victim girl, upon attaining 18 years of age.

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 am daily for a period of two weeks and thereafter as and when required for interrogation.

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

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

[f] 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.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

26/05/2022

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 COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT
2012, THIRUVANNAMALAI DISTRICT

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CHENGAM TOWN AND TALUK,
THIRUVANNAMALAI DISTRICT

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE,
VELLORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.DALIT TIGER C. PONNUSAMY Advocate on payment of
necessary charges SR.NO.7929

CRL OP.12589/2022

Date :26/05/2022

JPA 26/05/2022