



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.13804 of 2022

Rajkumar

..Petitioner

Vs.

State Rep by:
Inspector of Police,
Uthiramerur Police Station,
Chengalpattu District.
(Crime No.342 of 2022)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail by the respondent in Crime No.342 of 2022 on the file of the respondent Police.

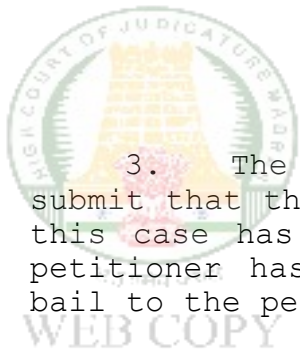
For Petitioner : Mr.S.Satheeshkumar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.04.2022 for the offence punishable under Sections 363, 365, 366 & 376 of IPC and Section 4 and 8 of POCSO Act in Crime No.342 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner fell in love with the victim girl aged about 17 years and when it came to the knowledge of the victim girl's mother she warned them. Thereafter, the accused, after making false assurance that he would marry her, kidnapped the victim girl on 20.04.2022 and had confined her till 25.04.2022. During the said period, under the promise of marrying her, he raped the victim girl. On 25.04.2022, the accused left the victim girl in her house and escaped from there.



3. The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl fell in love and hence this case has been foisted on him. He would also submit that the petitioner has no bad antecedent and hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that there was a physical relationship between the petitioner and the victim girl and thereby, the petitioner had committed an offence under Section 376 of IPC. He also produced the statement recorded under Section 164 Cr.PC, which reveals that the petitioner fell in love with the victim girl aged about 17 years. They eloped somewhere and stayed for four days together. Thereafter they returned to their home. There is no averment stated that the petitioner had a physical relationship with the victim girl. However, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, and also taking note of the fact that the petitioner is in judicial custody from 26.04.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the Special Court for Exclusive Trial Cases under POCSO Act, Chengalpattu 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 daily at 10.30 a.m. and 5.30 p.m. until further orders.

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

[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 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/-
20/06/2022

WEB COPY

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,
CHENGALPET

2 THE INSPECTOR OF POLICE,
UTHIRAMERUR POLICE STATION,
CHENGALPATTU DISTRICT.

3 THE OFFICER INCHARGE
SUB JAIL, CHENGALPET

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.SATHEESHKUMAR Advocate on payment of necessary charges SR.NO.9494

CRL OP.13804/2022

Date :20/06/2022

JPA 20/06/2022