

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

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

Cr1.OP.No.13445 of 2022

M.Ajay

..Petitioner

Vs.

The State Rep by:  
Inspector of Police,  
Perundurai Police Station,  
Erode.  
(Crime No.336 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.336 of 2022 on the file of the respondent Police.

For Petitioner : Mr.M.Guruprasad

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.05.2022 for the offence punishable under Sections 3 and 4 of Protection of Children from Sexual Offences Act, 2012 (POCSO) and under Section 9 of Prohibition of Child Marriage Act, 2006 in Crime No.336 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, on 12.05.2022, the defacto complainant found that her daughter was missing. Therefore, the defacto complainant lodged a complaint before the respondent police. Initially, a case was registered in Crime No.336 of 2022 for 'Girl Missing'. After investigation, the respondent police found that the defacto complainant's daughter/victim girl was eloped with the petitioner. Thereafter, the respondent police altered the alleged offence under Section 3 and 4 of Protection of Children from Sexual Offences Act, 2012 (POCSO) and under Section 9 of Prohibition of Child Marriage Act, 2006.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and he is no way connected with the offence as alleged by the prosecution. However, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent produced the statement recorded under Section 164 of Cr.PC of the victim girl and it reveals that the victim girl had told to her father about the love affair. Thereafter, she went to her paternal aunt house and stayed for two days and returned back. In the mean while, the complaint was lodged as against the petitioner. Her statement further reveals that there was no physical relationship between the petitioner and the victim girl and there is no evidence to show that the petitioner committed the offence alleged under the POCSO Act.

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 14.05.2022, 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 Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Erode 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. for a period of four weeks, thereafter as and when required for interrogation.

[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

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 SESSION JUDGE,  
MAGALIR NEETHI MANDRAM (FAST TRACK MAHILA  
COURT), ERODE

2 THE INSPECTOR OF POLICE,  
PERUNDURAI POLICE STATION,  
ERODE,

3 THE OFFICER INCHARGE  
SUB JAIL, PERUNDURAI

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.M.GURUPRASAD Advocate on payment of necessary  
charges SR.NO.9568

CRL OP.13445/2022

Date :20/06/2022

JPA 21/06/2022