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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

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

Crl.OP.No.13583 of 2022

Prasanth

.. Petitioner

Vs.

State Rep by:
Inspector of Police,
All Women Police Station,
Ammamet, Salem City.
(Crime No.13 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.13 of 2022 on the file of the respondent Police.

For Petitioner : Mr.R.Nalliyappan

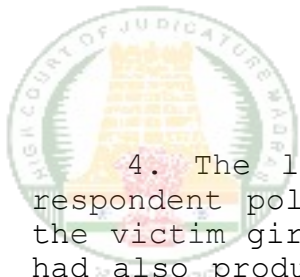
For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.04.2022 for the offence punishable under Section 366 of IPC and Section 5(1) r/w 6 of POCSO Act, 2012 in Crime No.13 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 had physical relationship. They also eloped somewhere and stayed together. Hence, the present case.

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 police would submit that the petitioner fell in love with the victim girl aged about 17 years and had physical relationship. He had also produced the statement recorded under Section 164 Cr.P.C. A perusal of the statement revealed that the victim girl had completed 18 years now and the petitioner is also ready and willing to marry the victim girl. Further revealed that the victim girl fell in love with the petitioner and ready to go with him. 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 05.04.2022, 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 Principal Special Court for Exclusive Trial of Cases under POCSO Act, Salem 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 register his marriage with the victim girl before the concerned Register Office and shall produce the registration certificate before the respondent Police on or before 27.06.2022. Failing which the bail granted to the petitioner shall stand automatically cancelled and the respondent Police shall secure the petitioner and proceed in accordance with law. Till the production of their marriage registration certificate, the petitioner shall report before the respondent Police daily at 10.30 a.m.

[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/-
13/06/2022

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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 PRINCIPAL SPECIAL COURT
FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
SALEM.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AMMAPET, SALEM CITY

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.NALLIYAPPAN Advocate on payment of necessary
charges SR.NO.8989

CRL OP.13583/2022

Date :13/06/2022

JPA 13/06/2022