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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2022

CORAM

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

Cr1.OP.No.15544 of 2022

Vishnu

..Petitioner/ sole accused

Vs.

State Rep. By
The Inspector of Police,
Tambaram Police Station,
Chengalpattu District
crime No.374 of 2022.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.374 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.G.Mageshkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.06.2022 for the offences punishable under Section 366A of IPC r/w Section 8 of POCSO Act in crime No.374 of 2022 on the file of the respondent police, seeks bail

2. The case of the prosecution is that on 31.05.2022, the daughter of the defacto complainant alleged to have been lost and consequently FIR was registered for girl missing and later altered to the above section as if the petitioner kidnapped her and made sexual harassment.

3. The learned counsel for the petitioner would submit that the petitioner and the victim girl were in love affair, which was known by the defacto complainant. Therefore, due to the pressure from the girl's mother, she left the home. Hence, he seeks for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the petitioner is the sole accused and the victim age is 17 years. He would further submit that the victim girl eloped and stayed in a friend's house. However, they had no physical relationship.

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5. Even according to the case of the prosecution, there was a love affair between the petitioner and the victim girl aged about 17 years and she eloped second time and stayed in a friend's house. Even according to the victim girl, there was no physical relationship between them. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e. 04.06.2022, this Court is inclined to grant bail to the petitioner. 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 learned Sessions Judge, Special Court for Exclusive Trial of 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 05.30 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/-

06/07/2022

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 LEARNED SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER
POCSO ACT, CHENGALPATTU.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
TAMBARAM POLICE STATION,
CHENGALPATTU DISTRICT.

4 THE OFFICER INCHARGE
DISTRICT JAIL, CHENGALPATTU.

+1 CC to M/S.G.MAGESHKUMAR Advocate on payment of necessary
charges SR.NO.10761

CRL OP.15544/2022

Date :06/07/2022

TA-06/07/2022