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CrI.OP.No.15956 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2022

CORAM

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

CrI.OP.No.15956 of 2022

Nehru

..Petitioner/A2

Vs.

State rep. by
The Inspector of Police,
Manalurpet Police Station,
Kallakurichi District.
(Crime No.119 of 2022).

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail Cr.No.119/2022 as under Sections 366, 344, 302, I.P.C r/w 5 (i), 6, 17 POCSO Act 2012, 9, 10 Child Marriage Act-2006 on the file of respondent police.

For Petitioner : Mr.V.Gunasekar

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

ORDER

The petitioner, who was arrested and remanded to judicial



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custody on 17.04.2022 for the offence punishable under Sections 366, 344, 302 I.P.C r/w 5(i), 6, 17 POCSO Act 2012, 9, 10 Child Marriage Act - 2006 in crime No.119 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that A1 who is the son of the petitioner herein kidnapped the victim girl and married her. A1 had committed offence of sexual penetration against the willingness of the victim girl. A1 had harassed the victim girl and murdered her. Hence, the case.

3. There are totally three accused in which the petitioner is arrayed as A2 who is the father of A1. The deceased is aged about only 13 years. A1 got married the deceased and committed penetrative sexual assault on her. According to the case of the prosecution, 2nd and 3rd accused helped the marriage of the victim girl with the A1. A1 in drunken mood, attacked the deceased with the PVC Pipe and she died. As far as the petitioner herein is concerned, there is no specific overt act



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in murdering the deceased.

4. Considering the above facts and circumstances of the case and also considering the period of incarceration from the date of arrest i.e., 17.04.2022, 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 sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Villupuram 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 twice 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



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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.

13.07.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Sessions Judge,
Special Court for exclusive trial of cases under POCSO Act,
Villupuram.
- 2.The Inspector of Police,
Manalurpet Police Station,
Kallakurichi District.
- 3.Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras

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