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Crl.O.P.No.17609 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2022

CORAM

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

Crl.O.P.No.17609 of 2022

Surendhar

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Bommidi Police Station,
Dharumapuri District.
Crime No.111 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime
No.111 of 2022 on the file of the respondent.

For Petitioner : Mr.M.P.Saravanan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.05.2022 for the offences punishable under Sections 366, 363 of IPC and 3,4(1) of POCSO Act 2012 in Crime No. 111 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, on the pretext of marriage, the petitioner kidnapped the victim girl who is aged about 17 years and had committed penetrative sexual assault on her. Hence, the complaint.

3.The learned counsel appearing for the petitioner produced the affidavit of the victim parents, wherein it is stated that the petitioner fell in love with the victim girl and therefore they lodged a complaint before the respondent police. It is further stated that, in respect of the marriage, they will consider only after their daughter attains majority. He further submit that the petitioner is in Judicial Custody from 20.05.2022. onwards. Hence, he has prayed for grant of bail to the petitioner.



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4. On perusal of the statement of the victim girl recorded under Section 164 of Cr.P.C., revealed that there was no physical relationship between them.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner from the date of arrest ie., from 20.05.2022, this Court is inclined to grant bail to the petitioner and **the affidavit filed by the victim girl's parents shall form part of this order.**

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 learned **Sessions Judge, Fast Track Mahila Court, Dharumapuri** 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.



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[b] the petitioner shall report before the respondent police twice daily at 10.30.a.m., and 04.30.p.m., for a period of four weeks and 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.

03.08.2022

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To

1. Sessions Judge, Fast Track Mahila Court,
Dharumapuri.
2. The Inspector of Police,
Bommidi Police Station,
Dharumapuri District.
3. Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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