



Crl.O.P.No.16554 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2022

CORAM

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

Crl.O.P.No.16554 of 2022

Ajith

...Petitioner

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
Rasipuram,
Namakkal District.
Crime No.07 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.07 of 2022 on the file
of the respondent police.

For Petitioner : Mr.J.Jayan

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



CrI.O.P.No.16554 of 2022

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.05.2022 for the offences punishable under Sections **5(i), 5(j) (ii) read with Section 6 of POCSO Act, 2012** in crime No.7 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, the petitioner aged about 20 years had fell in love with the victim girl aged about 17½ years and got married. Thereafter, the petitioner had physical relationship with the victim girl, due to which, the victim girl gave birth to a girl child. Hence, the case.

3. The learned counsel for the petitioner would submit that both the victim girl and the petitioner had fell in love and the said act of sexual intercourse had not done in compulsion on the part of the petitioner and further submitted that the petitioner is ready to live with the victim girl after she obtained the majority. That apart, the petitioner has been suffering incarceration from 10.05.2022. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that



CrI.O.P.No.16554 of 2022

that the statement of the victim girl under Section 164 of Cr.P.C had been recorded.

5. On perusal of the statement of the victim girl recorded under Section 164 of Cr.P.C reveals that the victim girl on her own volition went along with the petitioner and further it is stated that the victim girl and the mother were taken care by the petitioner.

6. Considering the above facts and circumstances of the case and also the period of incarceration undergone by the petitioner from the date of arrest ie., from 10.05.2022, this Court is inclined to grant bail to the petitioner **with a condition that the petitioner is directed to register his marriage with the victim girl and produce the marriage registration certificate before the respondent police within a period of four weeks from the date on which the victim girl attains majority, failing which, the bail granted shall automatically cancelled and the respondent is directed to secure the petitioner in accordance with law.**

7. Accordingly, the petitioner is ordered to be released on bail



CrI.O.P.No.16554 of 2022

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 (Fast Track Mahila) Judge, Namakkal** 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., 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



Crl.O.P.No.16554 of 2022

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.

18.07.2022

sma

To

1. Sessions (Fast Track Mahila) Judge,
Namakkal.
- 2.The Inspector of Police,
All Women Police Station,
Rasipuram,
Namakkal District.
3. Central Prison,
Salem
- 4.The Public Prosecutor,
High Court of Madras



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Crl.O.P.No.16554 of 2022

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No.16554 of 2022

18.07.2022