



CrI.OP.No.17136 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2022

CORAM

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

CrI.OP.No.17136 of 2022

Rajesh

..Petitioner

Vs.

State Rep by:

The Inspector of Police,
Sivakanchi Police Station,
Kancheepuram District.
(Crime No.488 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.488 of 2022 pending on file of the Inspector of Police, Sivakanchi Police Station, Kancheepuram District.

For Petitioner : Mr.S.Silambuselvan

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



WEB COPY



CrI.OP.No.17136 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.05.2022 for the offence punishable under Sections 363, 365, 366, 376(2)(n), 376(3) of IPC and Section 5(1) r/w Section 6 of POCSO Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006, in Crime No.488 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 both have eloped. 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.



CrI.OP.No.17136 of 2022

WEB COPY

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. Hence, he vehemently opposed to grant bail to the petitioner.

5. A perusal of the statement recorded under Section 164 Cr.P.C of the victim girl revealed that the victim girl was born on 26.10.2004. The parents of the victim girl compelled her to marry with other person. Therefore, she eloped with the petitioner and got married. Even then, they did not have any physical relationship and only after her attainment of majority they will get married and register the same.

6. Considering the above facts and circumstances of the case, and also taking note of the fact that the petitioner is in judicial custody from 31.05.2022, this Court is inclined to grant bail to the petitioner.



CrI.OP.No.17136 of 2022

7. 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, Thiruvannamalai 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 six 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



CrI.OP.No.17136 of 2022

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.

22.07.2022

mn



WEB COPY



Crl.OP.No.17136 of 2022

G.K.ILANTHIRAIYAN, J.

mn

To

1.The Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvannamalai.

2.The Inspector of Police,
Sivakanchi Police Station,
Kancheepuram District.

3. The Sub-Jail, Chenglepattu.

4.The Public Prosecutor,
High Court of Madras

Crl.O.P.No.17136 of 2022

22.07.2022