



WEB COPY



Crl.O.P.No.19677 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2022

CORAM

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

Crl.O.P.No.19677 of 2022

Deepanraj

... Petitioner

Vs.

State Rep by
The Inspector of Police,
All Women Police Station,
Nagapattinam.
Crime No.15 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 of the case in the Crime No.15 of 2022 on the file of the Respondent.

For Petitioner : Mr.K.Thenrajan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.06.2022 for the offences punishable under Section 6 r/w.5(1) of POCSO Act, 2012 in Crime No.15 of 2022 on the file of the respondent police, seeks bail.



Crl.O.P.No.19677 of 2022

2. The case of the prosecution is that the petitioner fell in love with the minor victim girl, thereafter on the pretext of marriage, the petitioner had committed penetrative sexual assault on her on various occasion. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner and the victim girl had a love affair. The petitioner is aged about 19 years and the victim girl was aged about to complete 18 years, when the complaint was lodged. According to the petitioner, when their love affair came to knowledge of the defacto complainant, the mother of the victim girl, she lodged a false complaint. He would further submit that the petitioner was arrested and remanded to judicial custody from 03.06.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) has produced the statement recorded under Section 164 Cr.P.C. A perusal of the statement reveals that though the petitioner is willing to marry the victim girl, his parents did not permit the petitioner to marry the victim girl.



Crl.O.P.No.19677 of 2022

5. Now, the petitioner filed an affidavit before this Court, he is ready and willing to marry the victim girl, immediately after attainment of majority. The victim girl is now aged about 18 years, her date of birth being 16.06.2004.

6. 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., 03.06.2022, 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 sureties**, each for a like sum to the satisfaction of the **learned Special Court under POCSO Act, Nagapattinam** 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 as and when required for interrogation.

[c] the petitioner shall register his marriage with the victim girl immediately after coming from the prison and shall produce the Registration of Marriage certificate before the respondent police on



Crl.O.P.No.19677 of 2022

or before 12.09.2022, failing which the bail stands automatically cancelled and the respondent police is directed to secure the petitioner and proceed in accordance with Law.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

22.08.2022

Lpp



Crl.O.P.No.19677 of 2022

To

WEB COPY

1. The Special Court under POCSO Act,
Nagapattinam
2. The Inspector of Police,
All Women Police Station,
Nagapattinam.
3. Sub Jail,
Nagapattinam.
4. The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.O.P.No.19677 of 2022

G.K.ILANTHIRAIYAN, J.

Lpp

Crl.O.P.No.19677 of 2022

22.08.2022