



Crl.O.P.No.19773 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2022

CORAM

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

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Subash

... Petitioner

Vs.

The State Rep. by,
Inspector of Police,
AWPS-KATPADI Police Station,
Vellore.
(Crime No.02 of 2022)

... Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in F.I.R.No.02 of 2022 on the file
of the respondent police.

For Petitioner : Mr.S.Praveennath

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.08.2022 for the offences punishable under Sections **363, 366, 376(2)(n) of I.P.C and Section 5(l)(6) of POCSO Act 2012** in Crime No. 02 of 2022 on the file of the respondent police, seeks bail.

2. It is seen that, the petitioner fell in love with the victim minor girl aged about 16 years. Thereafter, they both eloped and performed marriage and lived together. Now, the parents of the victim girl also accepted their marriage and had no objection. However, the complaint was lodged by a Child Welfare Officer.

3. 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 05.08.2022, this Court is inclined to grant bail to the petitioner **with a condition that the petitioner shall register his marriage with the victim girl after she attains majority and shall produce the registration of the marriage certificate before the respondent police within a period of two weeks once she attains**



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majority, failing which, the bail granted to petitioner shall stand automatically cancelled and the respondent is directed to secure the petitioner in accordance with law.

4. 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 **Special Judge for Exclusive Trial of Case POCSO Act -2012, Vellore, Vellore District** 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 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.



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[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.

23.08.2022

sma

To

1. Special Judge for Exclusive Trial of Case
POCSO Act -2012, Vellore, Vellore District
2. Inspector of Police,
AWPS-KATPADI Police Station,
Vellore.
3. Central Jail/Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

sma

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