



Crl.OP.No.19986 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

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Ayyanar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thazhambur Police Station,
Chengalpattu District.
(Crime No.182/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/8th accused on bail in Crime No.182 of 2022
(on the file of the Thazhambur Police Station) pending investigation on the
file of the respondent police.

For Petitioner : Mr.Elaiyaraja

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.07.2022 for the offences punishable under Section 366(A) of IPC and Section 5(u) r/w 6 of POCSO Act, 2012, in Crime No.182 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had kidnapped the minor daughter of the defacto complainant from her lawful custody and thereafter, committed sexual assault on her. Initially a case was registered as girl missing and thereafter, the case has been altered to the offences punishable under Sections 366(A) of IPC and Section 5(u) r/w 6 of POCSO Act, 2012.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false complaint has been given as against the petitioner. He would also submit that the petitioner and the victim girl are class mates and that without the knowledge of their parents, they have gone out and the mother of the victim had given a complaint of kidnap and



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thereafter, the case has been altered to the offences punishable under Sections 366(A) of IPC and Section 5(u) r/w 6 of POCSO Act, 2012. He would further submit that the petitioner was arrested and remanded to judicial custody on 07.07.2022 and the medical examination in respect of the petitioner is over. He would also reiterate that it is only a case of love affair and not a kidnap. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner had kidnapped the minor daughter of the defacto complainant and had committed penetrative sexual assault on the victim girl. He would also submit that the 164 of Cr.P.C., statement of the victim girl is yet to be recorded. Hence, he vehemently opposed to grant bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent would also submit that originally a case was registered in the Thazhambur Police Station and now it has been transferred to the file of All Women Police Station, Selaiyur.



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6. Heard both the learned counsel and perused the CD file including the statement recorded under Section 161 of Cr.P.C., from the victim girl.

7. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel, 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.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Sessions Judge, Special Court for the Exclusive Trial of POCSO Act Cases, Chengalpattu**, 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 stay at Villupuram and report before the Inspector of Police, Town Police Station, Villupuram daily at 10.30 a.m., until further orders and it is made clear that the petitioner shall not



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enter into the jurisdiction of the respondent police until further orders;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Sessions Judge,
Special Court for the Exclusive Trial of POCSO Act Cases,
Chengalpattu.
2. The Inspector of Police,
Thazhambur Police Station,
Chengalpattu District.
3. The Inspector of Police,
All Women Police Station,
Selaipur.
4. The Inspector of Police,
Town Police Station,
Villupuram.
5. The Superintendent,
Sub Jail,
Saidapet.
6. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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