



Crl.OP.No.21603 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2022

CORAM

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

Crl.OP.No.21603 of 2022

Chandrasekar @ Muthu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vellore South Police Station (L&O),
Vellore District.
(Crime No.136/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.136 of 2022 on the file
of the The Inspector of Police, Vellore South Police Station (L&O), Vellore
District.

For Petitioner : Mr.S.Silambuselvan

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 21.06.2022 for the offences punishable under Sections 363 & 366 of IPC and Sections 9(1), 9(n) r/w 10 of POCSO Act, 2012, in Crime No.136 of 2022 on the file of the respondent police, seeks bail.

2. Based on the complaint given by one Mrs.Mathi that her minor daughter was found missing, a case was registered initially for girl missing. However, during the course of investigation, it was found that the victim girl was kidnapped by her brother-in-law and she was subjected to sexual assault, the case has been altered to offences punishable under Sections 363 & 366 of IPC and Sections 9(1), 9(n) r/w 10 of POCSO Act, 2012 and the petitioner was arrested on 21.06.2022.

3. The learned counsel appearing for the petitioner would submit that the petitioner is none other than the brother-in-law of the victim girl and the parents of the victim have compelled her to marry someone against her



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choice and thereby, she consumed poison and later, she had called the petitioner and had requested him to take her away to escape from the forced marriage. Therefore, the petitioner had taken her to his house and that he has not committed any offence. He would also submit that the petitioner is in custody for the past 80 days and he also understands that the statement has been recorded from the victim girl under Section 164 of Cr.P.C., wherein, the victim girl has stated that on her compulsion, the petitioner had taken her to his house. He would further submit that major part of the investigation is over. Therefore, 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, who is the brother-in-law of the victim girl, had kidnapped the girl from her lawful guardianship and committed penetrative sexual assault on her. He would further submit that major part of the investigation is over and the statement under Section 164 of Cr.P.C., has also been recorded from the victim girl. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the CD file



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including the statement recorded under Section 164 of Cr.P.C., from the victim girl.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also the statement recorded under Section 164 of Cr.P.C., from the victim girl and that the petitioner is in prison from 21.06.2022, this Court is inclined to grant bail to the petitioner.

7. 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 Judge, Special Court for the Exclusive Trial of cases under POCSO Act, 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 daily at 10.30 a.m., until further



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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
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1. The Judge,
Special Court for the Exclusive Trial of cases under POCSO Act,
Vellore, Vellore District
2. The Inspector of Police,
Vellore South Police Station (L&O),
Vellore District.
3. The Superintendent,
Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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