



CrI.O.P.No.21611 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2022

CORAM

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

CrI.OP.No.21611 of 2022

Suman Raj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Uthukottai,
Thiruvallur District.
Crime No.11 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.11 of 2022 on the file of
the respondent Police.

For Petitioner : Mr.C.Iyyapparaj

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI. 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, 365, 366, 376(1), 376(2)(n) and 506(i) of IPC and Section 4(1) and 6(1) of POCSO Act, 2012, in Crime No.11 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant, who is a major and her date of birth is 15.07.2003 is that she was studying B.Com in JNN Arts and Science College for Women and that while she was undergoing 12th standard, she had developed relationship with one Mohanraj, who is arrayed as A1 in this case and that during the relevant time, on 25.06.2021, the said Mohanraj had sexual intercourse with her against her will. It is the further case of the defacto complainant that the petitioner, who is the step father of A1 had in the guise of arranging for marriage with his step son had taken her to a lodge at Chennai on 08.06.2022 and had sexual intercourse with her and later threatened her. Based on the complaint, a case was registered for the offences punishable under Sections 363, 365, 366,



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376(1), 376(2)(n) and 506(i) of IPC and Section 4(1) and 6(1) of POCSO Act, 2012. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false complaint has been given as against him by the defacto complainant to extract money from the petitioner. He would also submit that the allegations of POCSO offences are made out as against A1 and as far as the petitioner is concerned, the allegations against him is that the defacto complainant had stated that the petitioner, in the guise of arranging for marriage between herself and his step son, had taken the defacto complainant to a lodge on 08.06.2022 and had committed sexual intercourse with her. He would also submit that the date of birth of the defacto complainant is 15.07.2003 and without admitting to the allegations, even assuming for a moment, the alleged occurrence is said to have been taken place on 08.06.2022 i.e., after the victim girl has completed 18 years of age and therefore, the said offences of POCSO will not be made out as against him. He would further submit that the petitioner is in custody from 21.06.2022 and thereby, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner's step son and the victim girl are class mates and the petitioner's step son had taken the defacto complainant to his house and had committed penetrative sexual assault on her on 25.06.2021 and subsequently on three occasions. He would further submit that the petitioner, who is the step father of A1 in this case, in the guise of arranging for marriage between herself and his step son, had taken her to a lodge at Arumbakkam, Chennai and had committed sexual assault on her on 08.06.2022. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record including the statement recorded from the victim girl under Section 164 of Cr.P.C., and also the statement of the Manager of Emerald Lodge, Arumbakkam, Chennai.

6. 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.



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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 Mahila Court, Thiruvallur** 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 Thiruvallur and report before the Mahila Court, Thiruvallur on all working days at 10.30 a.m., without fail, until further orders and it is made clear that the petitioner shall not enter into the jurisdiction limits of the respondent police;

[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



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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.

12.09.2022

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To

1. The Mahila Court, Thiruvallur.
2. The Inspector of Police,
All Women Police Station,
Uthukottai,
Thiruvallur District.
3. The Superintendent,
Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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