



Crl.OP.No.21629 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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Murugesan @ Chinnarasu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Polur Police Station,
Thiruvannamalai District.
(Crime No.256/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime
No.256 of 2022 on the file of the respondent police.

For Petitioner : Mr.V.R.Appaswamee

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 01.08.2022 for the offences punishable under Sections 363, 366 &



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376(2)(n) of IPC and Sections 5(1) & 6 of POCSO Act, 2012, in Crime No.256 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had kidnapped the victim girl aged about 17 years from her lawful guardian and had committed penetrative sexual assault on her. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl are known to each other and they have love affair, since, the parents of the victim girl arranged a marriage against her choice, she had voluntarily eloped from the house and joined the petitioner. He would also submit that major part of the investigation is over and the petitioner is in custody from 01.08.2022. He would further submit that the petitioner also understands that the statement under Section 164 of Cr.P.C., has been recorded from the victim girl, where she had stated that she on her own volition, gone along with the petitioner. Therefore, 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 had kidnapped the minor daughter of the defacto complainant from her lawful guardianship and had taken her to Thiruvannamalai and had committed repeated penetrative sexual assault on her. He would also submit that the investigation has been completed and charge sheet has been filed and the case has also been taken up for trial in Special.S.C.No.120 of 2022 on the file of the Special Judge, Special Court for Exclusive Trial of cases under POCSO Act, Thiruvannamalai. Hence, he vehemently opposed to grant bail to the petitioner.

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



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is over and the case has been taken up for trial, 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 Exclusive Trial of cases under POCSO Act, Thiruvannamalai**, 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 learned Judge, Special Court for Exclusive Trial of cases under POCSO Act, Thiruvannamalai on all working days at 10.30 a.m., 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,



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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.

08.09.2022

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To

1. The Judge,
Special Court for the Exclusive Trial of cases under POCSO Act,
Thiruvannamalai.
2. The Inspector of Police,
Polur Police Station,
Thiruvannamalai District.
3. The Superintendent,
Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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