



CrI.O.P.No.21849 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM

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

CrI.O.P.No.21849 of 2022

A.Ananthakumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Karumandurai Police Station,
Salem District.

(Crime No.67/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in connection
with the Crime No.67 of 2022 on the file of the respondent Police.

For Petitioner : Mr.S.Ambigapathi

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.07.2022 for the offences punishable under Section 366 of I.P.C and Section 5(1) & 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.67 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner had kidnapped the daughter of the de-facto complainant/victim, aged about 17 years and induced her and committed penetrative sexual assault on her. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person, aged about 22 years, without understanding the consequences and rigours of the Protection of Children from Sexual Offences Act, had a relationship with the victim girl. He would further submit that the petitioner and victim girl are known to each other and there was a love affair between them and due to which, they had a consensual relationship. Hence, 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 victim girl and had committed penetrative sexual assault on her and therefore, the petitioner was arrested by the respondent Police on 06.07.2022. He would also submit that the 164 statement has also been recorded from the victim. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the materials available on record including the 164 statement recorded from the victim girl.

6. Taking into consideration the facts and circumstances of the case and taking note of the 164 statement recorded from the victim girl that the victim, on her own volition gone along with the petitioner, 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**



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thousand only) with two sureties, each for a like sum to the satisfaction of the learned Principal Special Court of Exclusive Trial cases under POCSO Act, Salem, 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, everyday at 10.30 a.m., for a period of four weeks and thereafter, every Saturday 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, 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]**;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

19.09.2022

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To

1. The Principal Special Court of Exclusive Trial cases under POCSO Act,
Salem.
2. The Inspector of Police,
Karumandurai Police Station,
Salem District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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