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Crl.O.P.No.21971 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2022

CORAM

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

**Crl.OP.No.21971 of 2022**

Ramakrishnan

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Neyveli Township Police Station,  
Cuddalore.  
Crime No.524 of 2022

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleased to enlarge the petitioner on bail in concern with Crime No.524 of  
2022 on the file of the respondent police viz the Inspector of Police, Neyveli  
Township Police Station, Cuddalore.

For Petitioner : Mr.A.T.Anbu Kumar

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 05.08.2022 for the offences punishable under Section 5(1), 6 of POCSO Act, 2012 and Section 9 of Child Marriage Act in Crime No.524 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 from the lawful guardianship of the defacto complainant and married 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 innocent and a false complaint has been given as against the petitioner. He would also submit that the petitioner and the victim girl are known to each other for several years and there was romantic relationship and coming to know about it, the mother of the victim girl had given a false complaint as against the petitioner and thereafter, she had also attempted to give marriage to the victim girl to someone against her choice and thereby,



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the victim had come out of the house and joined the petitioner. He would further submit that the petitioner understands that the respondent police has recorded statement from the victim girl under Section 164 of Cr.P.C., wherein the victim girl has not made any allegations as against the petitioner as if the petitioner committed any sexual assault on her. He would further submit that the major part of the investigation is over and the petitioner is prepared to abide by any stringent conditions that may be imposed on him. 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 had kidnapped the victim girl from the lawful guardianship of the defacto complainant and married her and committed penetrative sexual assault on her. He would further submit that major part of the investigation is over. 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 from the victim girl under Section 164 of Cr.P.C.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also taking note of the fact that the statement recorded from the victim girl under Section 164 of Cr.P.C., 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 Special Judge for Exclusive Trial of Cases under POCSO Act, Cuddalore** 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 Chennai and**



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**report before the Inspector of Police, North Beach Police Station, Chennai daily at 10.30 a.m., and 05.30 p.m., 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 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**

rgi

**A.D.JAGADISH CHANDIRA., J.**



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To

1. The Special Judge for Exclusive Trial of Cases under POCSO Act,  
Cuddalore.
2. The Inspector of Police,  
Neyveli Township Police Station,  
Cuddalore.
3. The Superintendent,  
Central Prison,  
Cuddalore.
4. The Public Prosecutor,  
High Court of Madras.

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