



Crl.O.P.No.22199 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2022

CORAM

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

Crl.O.P.No.22199 of 2022

C.Muthukumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kodumudi Police Station,
Erode District.
Crime No.232 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.232 of 2022 pending
investigation on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

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 29.07.2022 for the offences punishable under Sections 5(1), 5(j)(ii) and 6 of POCSO Act, 2012, in Crime No.232 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a love affair between the petitioner and the victim girl and thereby, the petitioner had kidnapped the victim girl from her lawful guardianship and committed penetrative sexual assault on the victim girl. Due to which, she became pregnant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that the petitioner and the victim girl had love affair, since, it was objected to by the parents of the victim, they were eloped and got married. He would further submit that the petitioner without understanding the rigours and consequences of POCSO Act, had taken the victim girl from her



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lawful guardianship. He would also reiterate that the petitioner is in custody from 29.07.2022. Therefore, he prays for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner had kidnapped the victim girl from her lawful guardianship and committed penetrative sexual assault on the victim girl, due to which, she became pregnant. 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.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also the period of incarceration suffered by the petitioner, 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 Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Erode**, 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 report before the Inspector of Police, North Beach Police Station, Chennai, daily 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



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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.

20.09.2022

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To

1. The Sessions Judge,
Mahalir Neethimandram (Fast Track Mahila Court),
Erode.
2. The Inspector of Police,
Kodumudi Police Station,
Erode District.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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