



Crl.O.P.No.22432 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2022

CORAM0

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

Crl.O.P.No.22432 of 2022

Chinraj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Attaiyampatty Police Station,
Salem District.
Crime No.75 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.75 of 2022 on the file of
the respondent Police.

For Petitioner : Mr.P.Dasarathan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



Crl.O.P.No.22432 of 2022

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.05.2022 for the offences punishable under Sections 366 and 363 of IPC and Sections 5(1) r/w 6 of the POCSO Act, 2012, in Crime No.75 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/accused had kidnapped the minor victim girl from the lawful guardianship and had 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 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 and the victim had eloped from the house and had compelled the petitioner to take her away. He would further submit that the petitioner without understanding the rigours and consequences of POCSO Act, had taken the victim girl from her lawful guardianship. He would also submit that the petitioner understands that the



Crl.O.P.No.22432 of 2022

164 of Cr.P.C., statement has been recorded from the victim girl, where she had stated that she had on her own volition gone along with the petitioner. He would also reiterate that the petitioner is in custody from 10.05.2022. Therefore, he prays for grant of bail to the petitioner.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner/accused had kidnapped the minor victim girl from the lawful guardianship and had committed penetrative sexual assault on her. Hence, 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.



Crl.O.P.No.22432 of 2022

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 Court for Exclusive Trial of 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 stay at Namakkal District and report before the Inspector of Police, Town Police Station, Namakkal 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 of the respondent police 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



CrI.O.P.No.22432 of 2022

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.

16.09.2022

rgi/nst

A.D.JAGADISH CHANDIRA., J.

rgi/nst



Crl.O.P.No.22432 of 2022

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To

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

Crl.O.P.No.22432 of 2022

16.09.2022