



CrI.O.P.No.22486 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.22486 of 2022

Dhanasekar @ Dhanush

... Petitioner/Sole Accused

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Thiruvannamalai,
Thiruvannamalai District.
(Crime No.22/2022).

... Respondent/Complainant

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.22 of 2022 on the file of the respondent Police.

For Petitioner : Mr.S.Silambu Selvan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.08.2022 for the offences punishable under Sections 376(3), 376(2)(n) of IPC and Sections 5(1), 5(j) (ii), 6(1) of POCSO Act, 2012 in Crime No.22 of 2022 on the file of the respondent Police, seeks bail.

2. It is the case of the petitioner that the petitioner had induced victim girl and had committed penetrative sexual assault on her, due to which, she become pregnant. Hence the complaint.

3. Learned Counsel for the petitioner would submit that the petitioner is an innocent person and he would further submit that it was only a consensual affair and the petitioner without understanding the consequences and rigours of the Prevention of Child from Sexual Offences Act, had affair with the victim minor girl. He would further submit that the petitioner is prepared to abide by any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that the petitioner induced the victim girl and committed penetrative sexual assault on her. Due to which, she become pregnant and on the complaint given by the mother of the victim, the complaint has been registered and now, the pregnancy of the victim has been aborted. He would also submit that the 164 statement has also been recorded from the victim girl. Hence, he opposed for grant of 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 the submissions made by the learned counsel and also taking note of the 164 statement recorded from the victim girl wherein, she had stated that there was a love affair between them, 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 Court of Sessions 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 stay at Chennai and report before the Inspector of Police, Abhiramapuram Police Station, everyday at 10.30 a.m. and 5.30 p.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.

19.09.2022

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To

1. The Court of Sessions Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Thiruvannamalai.
2. The Inspector of Police,
All Women Police Station,
Thiruvannamalai,
Thiruvannamalai District.
3. The Central Prison,
Vellore.
4. The Inspector of Police,
Abhiramapuram Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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