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Crl.O.P.No.22849 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.22849 of 2022

Vignesh

..Petitioner

Vs.

State rep by,
Inspector of Police,
Thiruvarur All Women Police Station,
Thiruvarur District
(Crime No.14 of 2022)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.14 of 2022 pending on the file of the respondent.

For Petitioner	: Mr.P.Muthamizhselvakumar
For Respondent	: Mr.S.Santhosh, Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.07.2022 for the alleged offence punishable under Sections 6, 5(j)(ii), 5(i) of Protection of Children from Sexual Harassment Act, 2012 in Crime No. 14 of 2022 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner had kidnapped the victim girl aged about 17 years and under the pretext of marriage, he had committed penetrative sexual assault on her on several occasion, due to which, she got pregnant and now, the petitioner also threatened her to abort the foetus. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that it is a case of love affair and the victim girl is now taking care of by the petitioner and his family members. The victim girl also about to delivery of child, the petitioner is ready and willing to marry her immediately after she attains the majority. Therefore, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that already this Court dismissed the petitioner's bail petitions in Crl.O.P.Nos.17519 and 19841 of 2022 dated 27.07.2022. Hence, he vehemently opposed to grant bail to the Petitioner.



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5. On a perusal of the statement recorded under Section 164 of Cr.P.C, it reveals that the victim girl fell in love with the petitioner and allowed him to relationship, due to which she got pregnant and she categorically stated that without the petitioner, she would not live. Therefore, it is a case of love affair and the petitioner is also ready and willing to marry the victim girl. That apart, the petitioner is taking care of the victim girl.

6. Considering the above facts and circumstances of the case and taking note of the fact that the age of the petitioner and also period of incarceration i.e the date of arrest on 04.07.2022, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner shall produce the undertaking affidavit stating that the petitioner to marry the victim girl immediately after she attains the majority, before the Sessions Judge, Fast Track Mahila Court, Thiruvavarur and on such affidavit, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/-



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(Rupees ten thousand only) with two blood sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Thiruvavarur 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 marry the victim girl immediately after she attains the majority and register their marriage before the authority concerned. Thereafter, the petitioner shall produce their registration of the marriage certificate before the respondent police, failing which, the petition for bail shall stand dismissed and the respondent police is directed to secure the petitioner and proceed in accordance with law.

[c] the petitioner shall report before the respondent Police daily Morning at 10.30 a.m and Evening at 5.30 p.m for a period of six weeks and thereafter as and when required for interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[f] 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]**.

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

21.09.2022

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To

- 1.The Sessions Judge, Fast Track Mahila Court, Thiruvavarur.
2. The Inspector of Police,
Thiruvavarur All Women Police Station,
Thiruvavarur District.
- 3.The Public Prosecutor,
High Court of Madras.
4. District Prison,
Thiruvavarur.



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G.K.ILANTHIRAIYAN, J.

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