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CrI.O.P.No.22709 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2022

CORAM

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

CrI.O.P.No.22709 of 2022

Yuvaraj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vanapuram Police Station,
Vanapuram,
Tiruvannamalai District.
Crime No.122 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.122 of 2022 pending on
the file of the respondent police.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 22.08.2022 for the offences punishable under Sections 5(j)(ii), 5(1) and 6



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of POCSO Act, 2012 and Section 9 of Prohibition of Child Marriage Act, in Crime No.122 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner kidnapped the victim minor girl, who is aged about 17 years, from her lawful guardianship 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 he has been falsely implicated in this case. He would also submit that the petitioner and the victim minor girl had love affair, since, it was objected to by the parents of the victim, she eloped from the house and thereafter, the petitioner and the victim minor girl got married. He would further submit that the petitioner, who is aged about 22 years, without understanding the rigours and consequences of POCSO Act, had entered into love affair with the victim minor girl and married her. He would also submit that the petitioner understands that the 164 of Cr.P.C., statement has been recorded from the victim girl, where she had stated that she had on



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her own volition gone along with the petitioner. He would also reiterate that the petitioner is in custody from 22.08.2022. 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 kidnapped the victim minor girl, who is aged about 17 years, from her lawful guardianship and married her and committed penetrative sexual assault on her. 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 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.



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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 Judicial Magistrate, Thandarampet**, 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 report before the respondent Police, 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 Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;



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[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 Judicial Magistrate, Thandarampet.
2. The Inspector of Police,
Vanapuram Police Station,
Vanapuram,
Tiruvannamalai District.
3. The Superintendent,
Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.



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