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CrI.O.P.No.23002 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

CORAM

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

CrI.O.P.No.23002 of 2022

Appu

... Petitioner

Vs.

The State
Rep. by it's Inspector of Police,
Vandavasi North Police Station,
Vandavasi,
Thiruvannamalai District.
Crime No.127 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in the event of his arrested in Crime
No.127 of 2022 pending investigation on the respondent police.

For Petitioner : Mr.S.Paul Gnanamuthu

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.08.2022 for the offences punishable under Sections Girl Missing @ 366(A), 376(2)(n) of IPC and Sections 5(1) & 4(i) of POCSO Act, 2012 in Crime No.127 of 2022 on the file of the respondent Police, seeks bail.

2. It is the case of the prosecution that the petitioner kidnapped the minor girl from her lawful guardian-ship and committed penetrative sexual assault on her. Hence the complaint.

3. Learned Counsel for the petitioner would submit that the petitioner is an innocent person and 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 aged about only 20 years and the petitioner is prepared to abide by any stringent condition imposed by this Court. Hence, he prays for grant of bail



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to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner kidnapped the minor girl from her lawful guardian-ship and committed penetrative sexual assault on her. He would further 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 Government Advocate (Crl.side) 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 **Special Court for POCSO Act Cases, 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 report before the respondent police everyday 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.

29.09.2022

mpl

To

1. The Special Court for POCSO Act Cases,
Thiruvannamalai.
2. The Inspector of Police,
Vandavasi North Police Station,
Vandavasi,
Thiruvannamalai District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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