



Crl.O.P.No.23559 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

CORAM

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

Crl.O.P.No.23559 of 2022

Ranjan Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thimiri Police Station,
Ranipet District.
(Crime No.160 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail as against the case pending on the
file of the respondent Police in Crime No.160 of 2022.

For Petitioner : Mr.S.P.Arthi

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.08.2022, for the offences punishable under Section 366(A) of IPC and Sections 5(I), 5(j)(ii) and 6 of POCSO Act 2012, in Crime No.160 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a love affair between the petitioner and the victim girl and thereby, the petitioner had kidnapped the victim girl aged about 17 years, from her lawful guardianship and committed penetrative sexual assault on the victim girl. Due to which, she became pregnant. 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, who is aged about 17 years, had love affair, since, it was objected to by the parents of the victim, they have compelled her to marry someone against her choice and thereby, the petitioner and the victim girl have eloped. He would further



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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 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 02.08.2022. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner had kidnapped the victim girl from her lawful guardianship and committed penetrative sexual assault on the victim girl. Due to which, she became pregnant. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the statement recorded from the victim girl under Section 164 of Cr.P.C.



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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 with certain conditions.

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)** each with **two sureties**, each for a like sum to the satisfaction of the **learned Special Court for Exclusive Trial of Cases under POCSO Act, Vellore**, 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 Inspector of Police, K.V.Kuppam Police Station, Vellore, daily at 10.30 a.m., until further orders. However, it is made clear that the petitioner shall not



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enter into the jurisdictional limits of the respondent police;

[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]*;

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

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To

- 1.The Special Court for Exclusive Trial of cases under POCSO Act,
Vellore.
- 2.The Inspector of Police,
Thimiri Police Station,
Ranipet District.
3. The Central Prison,
Thuraipadi, Vellore District.
4. The Public Prosecutor,
High Court of Madras.



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