



Crl.O.P.No. 24010 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

CORAM

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

Crl.O.P.No. 24010 of 2022

Prasanth

.. Petitioner

Vs.

The State Rep by
The Inspector of Police,
Sankar Nagar Police Station,
Chengalpet District.
(Crime No.433 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime No.433
of 2022 on the file of the respondent police.

For Petitioner : Mr.P.K.Ganesh

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 03.08.2022, for the offences punishable under Sections 366(A) of IPC and Section 6 of POCSO Act, 2012, in Crime No.433 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had love affair with the victim minor girl and had kidnapped her and committed penetrative sexual assault on her without her consent. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that there was love affair between the petitioner and the victim minor girl. He would also submit that the petitioner, who is aged only 22 years, without understanding the consequences and rigours of the POCSO Act, entered into a love affair with the victim minor girl. He would further submit that the petitioner is in custody from 03.08.2022. He would also state that the petitioner understands that a statement has been recorded from the victim girl



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under Section 164 of Cr.P.C., wherein she had stated that there was love affair between the petitioner and her. 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 minor girl and committed penetrative sexual assault on her without her consent. Hence, 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.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also 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.



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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)** each with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate Court No.2, Tambaram**, 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, daily at 10.30 a.m., and 05.30 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



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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.

11.10.2022

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To

1. The Judicial Magistrate Court No.2,
Tambaram.
2. The Inspector of Police,
Sankar Nagar Police Station,
Chengalpet District.
3. The Sub Jail,
Chengalpet.
4. The Public Prosecutor,
High Court of Madras.



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