



Crl.O.P.No.25029 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM

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

Crl.O.P.No.25029 of 2022

Chinnadurai

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Ulundurpet.

(Crime No.10 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.10 of 2022, pending
investigation on the file of the respondent Police.

For Petitioner : Mr.D.Arun

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



Crl.O.P.No.25029 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.09.2022 for the offences punishable under Section 376(3) of IPC r/w Sections 6, 5(j)(ii), 4(2), 3 of Protection of Children from Sexual Offences Act, 2012, in Crime No.10 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has committed penetrative sexual assault on the minor victim girl, aged about 17 years, due to which, she become pregnant. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner, aged about 23 years and the victim girl are known to each other and there was a love affair between them. He would further submit that the petitioner, without understanding the consequences and rigours of the Protection of Children from Sexual Offences Act, had developed an affair and had a consensual physical relationship with the minor victim girl. He



Crl.O.P.No.25029 of 2022

would also submit that the physical affair has taken place in the house of the victim girl and since, the victim girl become pregnant, it came to the knowledge of the parents and the complaint has been lodged against the petitioner and he has been arrested and he is in custody from 01.09.2022. He would also submit that the petitioner understands that statement under Section 164 Cr.P.C., has been recorded from the victim girl, wherein, she had stated that there was a love affair between the petitioner and the victim girl and they had a consensual relationship. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner had committed penetrative sexual assault on the minor victim girl, due to which, she become pregnant. He would further submit that the statement has also been recorded from the victim girl under 164 Cr.P.C., wherein she had informed that she is who invited the petitioner to her home. Hence, he vehemently oppose for grant of bail to the petitioner.



Crl.O.P.No.25029 of 2022

WEB COPY

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 the submissions made by the learned counsel for the petitioner and also considering the 164 statement recorded from the victim girl that there was a love affair between them, this Court is inclined to grant bail to the petitioner.

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 POCSO Court, Villupuram**, 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;



WEB COPY



Crl.O.P.No.25029 of 2022

[b] the petitioner shall stay at Chennai and report before the Inspector of police, North Beach Police Station 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]**;

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

17.10.2022

ham



Crl.O.P.No.25029 of 2022

WEB COPY

To

1. The POCSO Court,
Villupuram.
2. The Inspector of Police,
All Women Police Station,
Ulundurpet.
3. The Central Prison,
Cuddalore.
4. The Inspector of police,
North Beach Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.25029 of 2022

A.D.JAGADISH CHANDIRA., J.

ham

Crl.O.P.No.25029 of 2022

17.10.2022