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Crl.O.P.No.25989 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM

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

Crl.OP.No.25989 of 2022

Selvam

... Petitioner

Vs.

State By: The Inspector of Police,
All Women Police Station,
Melmaruvathur.
Crime No.11 of 2022.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.11 of 2022 pending
investigation on the file of the respondent police.

For Petitioner : Mr.S.Vellidoss

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



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CrI.O.P.No.25989 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.09.2022 for the offences punishable under Sections 376(2) (n), 450 IPC r/w 5(i) (ii), 5(1), 5(n) r/w 6 of POCSO Act in Crime No.11 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner induced the minor victim girl and had committed penetrative sexual assault on her, due to which, she became pregnant. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is aged about 23 years, the petitioner without understanding the consequences and rigours of POCSO Act, had a sexual relationship with the victim girl, due to which, she became pregnant. He would further submit that the petitioner and victim girl are known to each other for some time and there was a love affair between them. He would further submit that statement under Section 164 of Cr.P.C has been recorded from the victim girl and the major part of the investigation has also been over. Therefore, he prays for grant of bail to the petitioner.



Crl.O.P.No.25989 of 2022

WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner had committed penetrative sexual assault on the minor girl. However, he would submit that statement of minor girl is recorded under Section 164 of Cr.P.C., wherein, she had stated that she had gone voluntarily along with the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials including the statement recorded from the victim girl under Section 164 of Cr.P.C.

6. Taking into consideration of 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.



Crl.O.P.No.25989 of 2022

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, in which, one surety should be either father or mother of the petitioner, each for a like sum to the satisfaction of the **learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpet** 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 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



CrI.O.P.No.25989 of 2022

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.

02.11.2022

shk

To

1. The learned Sessions Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Chengalpet
- 2.The Inspector of Police,
All Women Police Station,
Melmaruvathur.
3. The District Jail,
Chengalpattu
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.25989 of 2022

A.D.JAGADISH CHANDIRA, J.

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Crl.O.P.No.25989 of 2022

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