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Crl.O.P.No.26216 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

CORAM

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

Crl.O.P.No.26216 of 2022

S.Vasu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
AWPS, Tiruvannamalai Police Station,
Tiruvannamalai District.
Crime No.03 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in respect of the Crime No.03 of 2022
on the file of the respondent police.

For Petitioner : Mr.M.Selvadurai

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

For Intervenor : M/s. V.Jayalakshmi



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.10.2022 for the offences punishable under Sections 376(2)(n) of IPC and 5(i), 5(j)(ii), 6(1) of POCSO Act, 2012 in Crime No.03 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was love affair between the petitioner aged about 19 years and the victim minor girl, who is aged about 17 years and on the pretext of marriage, the petitioner had committed penetrative sexual assault on the victim minor girl. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl are close relatives. He would also submit that the petitioner without understanding the rigours and consequences of POCSO Act, had entered into love affair with the victim minor girl. He would also submit that there was a love affair between the petitioner and the victim girl for the past four years. She would further submit that family members of the petitioner is ready to perform marriage after the victim girl



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attains marriageable age. He would also reiterate that the petitioner is in custody from 04.10.2022. Therefore, he prays for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner under the pretext of marriage had committed penetrative sexual assault on her, due to which, the victim girl became pregnant. Therefore, he vehemently opposed to grant bail to the petitioner.

5. The learned counsel for the intervenor would submit that she has no objection for granting bail to the petitioner.

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

7. Taking into consideration the facts and circumstances of the



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case, the submissions made by the learned counsel and also the period of incarceration suffered by the petitioner 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.

8. 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 Judicial Magistrate Court at Thandrapet**, 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., for a period of two weeks and thereafter on every Saturday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[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.

31.10.2022

Sma

A.D.JAGADISH CHANDIRA., J.



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Sma

To

1. The Judicial Magistrate,
Thandrampet.
2. The Inspector of Police,
AWPS, Tiruvannamalai Police Station,
Tiruvannamalai District.
3. Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.

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