



Crl.O.P.No.1557 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2023

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.1557 of 2023

Muthazhagan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Kottakuppam,
Villupuram District.

(Crime No.37 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with Crime No.37 of
2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Vellidoss

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.12.2022, for the alleged offences punishable under Sections 5(l), 5(j)(ii) & 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.37 of 2022, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the accused, who is the close relative of the minor victim girl, aged about 14 years, by inducing her on the false promise of marrying her, had sexual intercourse with her, due to which, she become pregnant, subsequently, it was aborted. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, who is the relative of the minor victim girl, is an innocent person and a false complaint has been given as against him. He further submitted that there was a love affair between the petitioner and the victim minor girl, aged about 14 years, thereby, the family members of both the victim girl and the petitioner performed their marriage, according to the custom and moralities of their community. He further submitted that the victim girl become pregnant and due to her pregnancy, they went to the hospital, wherein, on the instigation



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of medical officers, the de-facto complainant has given a false complaint as against the petitioner. He further stated that the petitioner without understanding the consequences and rigours of the Protection of Children from Sexual Offences Act, had an affair with the minor victim girl. He also submitted that the petitioner is in custody from 22.12.2022, hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner had induced the de-facto complainant's minor daughter on the false promise of marrying her, had sexual intercourse with her, due to which, she become pregnant and has aborted her pregnancy. He further submitted that the investigation is almost completed, however, he opposed to grant bail to the petitioner.

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 statement recorded from the victim girl under 164 Cr.P.C.



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6. Taking into consideration the facts and circumstances of the case and taking note of the fact that the investigation has almost been completed and also considering the period of incarceration undergone by the petitioner, 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.10,000/- (Rupees Ten Thousand only)** with **two sureties** (out of which, one should be the blood surety, who should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, 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;

(b) the petitioner shall report before the respondent police on every Wednesday 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;



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(d) the petitioner shall not abscond 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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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T.V.THAMILSELVI,J.

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To

1. The Sessions Judge,
Special Court for Exclusive trial of cases under POCSO Act,
Villupuram.
2. The Inspector of Police,
All Women Police Station,
Kottakuppam, Villupuram District.
3. The District Jail,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.

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