



Crl.OP.No.2203 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.2203 of 2023

Anbu

... Petitioner

Vs.

State rep by
The Inspector of Police,
Tiruppur Central Police Station,
Tiruppur City.
(Crime No.254 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in crime No.254 of 2022 pending
investigation on the file of the respondent police.

For Petitioner : Mr.S.Valarmathi

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 14.05.2022 for the offence punishable under Section 366A of IPC and Section 5(l) r/w 6 of POCSO Act in Crime No.254 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, the mother of the victim lodged a complaint stating that her daughter aged about 17 years was missing. Thereafter, it revealed that the petitioner kidnapped the victim girl and had penetrative sexual assault on her. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is aged about 26 years and he fell in love with the victim girl. Both were worked together in a private company. Thereafter, both were eloped to Thiruvanamalai and thereafter they went to Gunthoor, Andrapradesh. They stayed together and had physical relationship. She also produced an affidavit dated 06.02.2023 filed by the petitioner stating that when the victim girl attains



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majority, he is ready and willing to marry the victim girl. Hence, she prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that after completion of investigation, the respondent police filed charge sheet as against the petitioner in S.C.No.77 of 2022 on the file of the learned Sessions Judge, Magalir Neethimandram, Fast Track Mahila Court, Tiruppur. Now the trial has been commenced and main witnesses has been examined. Hence, he vehemently opposed to grant bail to the petitioner.

5. On a perusal of the statement recorded under Section 164 of Cr.P.C., revealed that the victim girl loved the petitioner and they eloped to Thiruvannamalai and thereafter went to Gunthoor, Andrapradesh and stayed together. They had physical relationship and thereafter they returned back to Tiruppur. Considering the above facts and circumstances and also period of incarceration undergone by the petitioner from the date of his arrest viz.,



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14.05.2022, this Court is inclined to grant bail to the petitioner.

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6. 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 blood related sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Neethimandram, Fast Track Mahila Court, Tiruppur, 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] Immediately after attainment of majority by the victim girl, the petitioner is directed to marry the victim girl and register their marriage and also produce the marriage registration certificate before the respondent police, failing which the bail granted by this Court shall automatically stand cancelled and the respondent is directed to secure the petitioner and proceed in accordance with law.

[c] the petitioner shall appear before the trial Court once in a week viz., on every Monday at 10.30 a.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[g] 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]**.

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

13.02.2023

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To

- 1.The Sessions Judge,
Magalir Neethimandram,
Fast Track Mahila Court,
Tiruppur.
- 2.The Inspector of Police,
Tiruppur Central Police Station,
Tiruppur City.
- 3.The District Jail,
Tiruppur.
- 4.The Public Prosecutor,
High Court of Madras
Chennai.



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G.K.ILANTHIRAIYAN, J.

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