



Crl.O.P.No.5054 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

CORAM

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

Crl.O.P.No.5054 of 2023

Praveen Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Reddichavadi Police Station,
Cuddalore.

(Crime No.6 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in connection
with the Crime No.6 of 2023 on the file of the respondent Police.

For Petitioner : Mr.K.Gandhi Kumar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.01.2023, in connection with Crime No.6 of 2023, registered for the offence punishable under Section 366(A) of IPC @ 366 of IPC r/w Sections 5(l), 6 of Protection of Children from Sexual Offences Act, 2012, on the file of the respondent Police, seeks bail.

2. On the complaint given by de-facto complainant, Raji, that her minor daughter, aged about 17 years, was kidnapped by the petitioner/accused from her legal guardianship, a case in crime No.6 of 2023 has been registered by the respondent Police for the offence punishable under Section 366(A) of IPC. During the course of investigation, it came to light that the accused had kidnapped the victim girl and committed penetrative sexual assault on her, thereby, the case has been altered to one under Section 366 of IPC r/w Sections 5(l), 6 of Protection of Children from Sexual Offences Act, 2012. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, aged about 22 years, is an innocent person and a false complaint



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has been given as against him. He further submitted that the petitioner was having a love affair with the minor victim girl and when the family members of the victim girl coming to know about the same, they reprimanded the victim girl and thereby, the victim had come to the petitioner's house and they went to the petitioner's grand mother's house and during such time, the petitioner has not committed any penetrative sexual assault on the victim girl. He also submitted that the petitioner, without understanding the consequences and rigours of the Protection of Children from Sexual Offences Act, had taken the minor victim girl with him. He also submitted the petitioner, understands that the statement has been recorded from the victim girl under Section 164 Cr.P.C, wherein, she has not made any allegation of sexual assault against him. He further submitted that the petitioner is in custody from 14.01.2023, hence, he prays for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner had kidnapped the minor victim girl and had committed penetrative sexual assault on her. He further submitted that the minor victim girl has been secured and the statement has



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also been recorded from her under 164 Cr.P.C. However, he oppose for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the materials available on record including the statement recorded under 164 Cr.P.C from the victim girl.

6. Taking into consideration the facts and circumstances of the case and taking note of the statement recorded under Section 164 Cr.P.C. from the victim girl that the victim and the petitioner were loving each other and she, on her own volition has gone along with the petitioner and also considering the fact that there is no specific allegation made against the petitioner, as if, he has committed penetrative sexual assault on her, 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.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned**



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Special Court for Exclusive Trial of Cases under POCSO Act,

Cuddalore, 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, everyday 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;

[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]**;



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

14.03.2023

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To

1. The Special Court for Exclusive Trial of Cases under POCSO Act,
Cuddalore.
2. The Inspector of Police,
Reddichavadi Police Station,
Cuddalore District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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