



WEB COPY



CrI.O.P.No.6690 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.03.2023

CORAM:

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

CrI.O.P.No.6690 of 2023

Sakthivel

.. Petitioner

/versus/

The State rep.by
The Inspector of Police,
Kadathur Police Station,
Dharmapuri District.
(Crime No.18 of 2023)

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail in Crime No.18 of 2023 pending investigation on the file of the respondent.

For petitioner : Mr.Sathiyaraj.E

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.02.2023, for the offences punishable under Sections 363, 366 of IPC r/w 6(1), 5(1) of POCSO Act, 2012 in Crime No.18 of 2023,



Crl.O.P.No.6690 of 2023

on the file of the respondent police, seeks bail.

WEB COPY

2. The case of the prosecution as per the defacto complainant mani is that his minor daughter aged 15 years was found missing. Based on the complaint, the case was registered in Crime No. 18 of 2023 for girl missing. During the course of investigation, it came to light that he had developed friendship with the victim girl and had kidnapped her from the lawful guardian and taken her to Coimbatore and Karnataka and several places and stayed with the girl and thereafter had committed repetitive penetrative sexual assault on her. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and the petitioner and the victim girl are known to each other for several years and there was a love affair between them. Since it came to the knowledge of the parents of the victim girl, they have reprimanded her and thereby victim had eloped from the house and joined with the petitioner. He further submitted that the relationship between them was consensual in nature and the petitioner, without understanding the consequences and rigours of the Protection of Children



Crl.O.P.No.6690 of 2023

from Sexual Offences Act, had a relationship with the minor victim girl.

He also submitted that the petitioner understands that statement under Section 164 Cr.P.C., has been recorded from the victim girl, wherein, she has also stated that the relationship between them, which was consensual and thereby he would seek for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner had kidnapped a minor victim girl aged 15 years and had taken her to several places and had committed penetrative sexual assault. Later, the girl has been secured and the statement under Section 164 Cr.P.C has been recorded from the victim girl. Hence, he opposed for grant bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate(Crl.Side) and perused the materials available on record including the First Information Report and the statement recorded from the victim girl under Section 164 Cr.P.C.



Crl.O.P.No.6690 of 2023

WEB COPY

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and taking note of the statement recorded from the victim girl under Section 164 Cr.P.C. 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 this 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 Fast Track Mahila Court, Dharmapuri**, 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. until further orders;



WEB COPY



Crl.O.P.No.6690 of 2023

[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]***;

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

24.03.2023

Speaking Order / Non-Speaking Order

Index : yes/no

Internet : yes/no

mpa

To

1.The Fast Track Mahila Court, Dharmapuri.

2.The Jailer, District Jail, Dharmapuri.



WEB COPY



Crl.O.P.No.6690 of 2023

A.D.JAGADISH CHANDIRA,J.

mpa

3.The Inspector of Police,
Kadathur Police Station,
Dharmapuri District.

4.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.6690 of 2023

24.03.2023