



Crl.O.P.No.7584 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

CORAM

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

Crl.O.P.No.7584 of 2023

Akash

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Avadi.

(Crime No.31 of 2023 of Muthaputhuet PS
I/c Avadi AWPS).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.31 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.R.Sasikumar

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



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ORDER

(This case has been heard through Video Conferencing)

The petitioner, who was arrested and remanded to judicial custody on 02.03.2023, in connection with Crime No.31 of 2023 registered for Girl missing and altered for the offences punishable under Sections 366(A) of IPC, 5(1) r/w 6(1) of Protection of Children from Sexual Offences Act, 2012, @ 343, 366 of IPC, 5(1) r/w 6(1) of Protection of Children from Sexual Offences Act, 2012, on the file of the respondent police, seeks bail.

2. On the complaint given by the *de-facto* complainant that his daughter, aged about 17 years, who is studying B.Com 1st year, was found missing, a "girl missing" case in Crime No.31 of 2023 was registered by the respondent Police. During the course of investigation, it came to light that the accused had kidnapped the minor victim girl, aged about 17 years and committed penetrative sexual assault on her, thereby, the case has been altered to one under Sections 343, 366 of IPC and 5(1) r/w 6(1) of Protection of Children from Sexual Offences Act, 2012. Hence the case.



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3. Learned counsel appearing for the petitioner submitted that the petitioner, aged about 22 years, is an innocent person and a false complaint has been given as against him. He further submitted that the petitioner and the victim girl are known to each other and on coming to know about their love affair, the parents and the uncle of the victim girl, arranged the marriage for the victim with some other person against her will, therefore she left her home and went to the petitioner's house. He also submitted that the petitioner's mother had enquired the victim girl, during which, she stated that her age is 18 years and later, the petitioner and his mother, on coming to know about the complaint given by the father of the victim girl, they have sent back the victim girl. He also submitted that the petitioner has not committed any penetrative sexual assault on the victim girl and he further submitted that 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 02.03.2023, hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner had kidnapped the minor victim girl from the legal guardianship of the de-facto complainant and thereafter, taken her to his house, where, he has committed penetrative sexual assault on her. He further submitted that the minor victim girl has been secured on the next day and the statement has also been recorded from her under 164 Cr.P.C. However, he opposed for grant of 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 entire materials available on record including the statement recorded under 164 Cr.P.C from the minor victim girl.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the statement recorded under 164 Cr.P.C from the minor victim girl, this Court is inclined to grant bail to the petitioner with certain conditions.



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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**, for a like sum to the satisfaction of the **learned District Mahila Judge, (Fast Track Court), Thiruvallur**, 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 Inspector of Police, All Women Police Station, Avadi, everyday at 10.30a.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.

11.04.2023

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To

1. The District Mahila Judge,
(Fast Track Court),
Thiruvallur.
2. The Inspector of Police,
All Women Police Station,
Avadi.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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