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CrI.O.P.No.8539 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM

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

CrI.O.P.No.8539 of 2023

Ajith @ Senthamizhan

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Sirupakkam Police Station  
Sirupakkam,  
Cuddalore District.

(Crime No.13 of 2023).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleased to enlarge the petitioner/accused on bail, in connection with the  
Crime No.13 of 2023, pending investigation on the file of the respondent  
Police.

For Petitioner : Mr.V.Ramanareddy

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



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## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 16.02.2023, in connection with Crime No.13 of 2023 registered for the offences punishable under Sections 5(1) & 6 of Protection of Children from Sexual Offences Act, 2012, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Karpagam is that the accused had induced her minor daughter, aged about 17 years and on the assurance of marrying her, taken her to a forest area and had committed repetitive penetrative sexual assault on her. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, who was having a love affair with the minor victim girl. He further submitted that the de-facto complainant, who was against their love affair, has given a false complaint as against the petitioner, as if, he has committed penetrative sexual assault on her daughter and refused to marry her. He also submitted that the petitioner was not aware that the de-facto complainant's daughter was minor and he, without understanding



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the consequences and rigours of the Protection of Children from Sexual Offences Act, had a love affair with the minor victim girl. He also submitted that the petitioner, understands that the statement has been recorded from the victim girl under Section 164 Cr.P.C, wherein, she admitted that there was a consensual relationship between herself and the petitioner.

4. He further submitted that the father of the petitioner is working in Saudi Arabia, thereby, now the petitioner and his mother/E.Chitra have filed the Affidavits of Undertaking before this Court stating that they are ready to arrange for a marriage between the petitioner and the victim girl, after she attains majority. He also submitted that the petitioner is in custody from 16.02.2023. Hence, he prayed for grant of bail to the petitioner, stating that he is also ready to abide by any other stringent conditions that may be imposed by this Court.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner on false promise of marrying the minor victim girl, had committed repetitive penetrative sexual on her and later refused to marry her. He further submitted that the statement has also



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been recorded from the minor victim girl under 164 Cr.P.C. However, he opposed for grant of bail to the petitioner.

6. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the statement recorded under 164 Cr.P.C from the victim girl and the Affidavits filed by both the petitioner and his mother before this Court.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by the petitioner and also considering the Affidavits filed by the petitioner and his mother, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the Affidavits filed by the petitioner and his mother before this Court shall form part and parcel of this order and 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



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sum to the satisfaction of the **learned Special Court under the 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 also report before the respondent Police, everyday 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]***;

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

**25.04.2023**

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To

1. The Special Court under the POCSO Act,  
Cuddalore,
2. The Inspector of Police,  
Sirupakkam Police Station,  
Sirupakkam,  
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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**25.04.2023**