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CrI.OP.No.9353 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

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

CrI.OP.No.9353 of 2023

Saravanan

... Petitioner

Vs.

State Rep by
Inspector of Police,
Arakkonam Town Police Station,
Ranipet Dt.
Crime No.491 of 2022

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in crime No. 491 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.02.2023 for the offence punishable under Section 366 of I.P.C. r/w Section 5(l), 5(j)(ii) and 6 of The Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, in Crime No.491 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim is aged about 17 years and the petitioner is aged about 29 years. On 25.12.2022, when the daughter of defacto complainant gone to visit her aunty's house at Kilpakkam and thereafter, on 30.12.2022 around 11.00 p.m., she informed her brother that she is going outside, but she did not return back to home. Hence, the mother of defacto complainant lodged the present complaint against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this



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case. He would also submit that both the petitioner and the family of defacto complainant are relatives and her daughter had affair towards the petitioner and hence, she compelled him to take out. On her compulsion only, the petitioner taken her to his relative's house, however, without conducting enquiry, the respondent police registered a present false case against him. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the victim girl is aged about 17 years and he is an already a married man. He would submit that suppressing his marriage, he had a love affair with a victim girl and had a physical relationship with her. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen from the statement recorded under Sec.164 of Cr.P.C., it reveals that victim girl, aged about 17 years, eloped with the petitioner and stayed with him for some period, however, she does not reveal that she had physical relationship with the petitioner. Considering the above facts and circumstances of the case and also the period of



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incarceration by the petitioner, this Court is inclined to grant bail to the petitioner.

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 sureties, each for a like sum to the satisfaction of the learned **Special Judge for exclusive trial of cases under POCSO Act, 2012, at Vellore, Vellore District** 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 daily at 10.30 a.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation (OR) 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



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

04.05.2023

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To

- 1.The Special Judge for exclusive trial of cases under POCSO Act,2012, Vellore, Vellore Dt.
- 2.Inspector of Police, Arakkonam Town Police Station, Ranipet Dt.
- 3.Central Prison, Vellore.
- 4.The Public Prosecutor, High Court of Madras, Chennai



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G.K.ILANTHIRAIYAN, J.

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