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Crl.O.P.No.12028 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.06.2023

CORAM:

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

Crl.O.P.No.12028 of 2023

R.Vishva

S/o Ravichandran

.. Petitioner

/versus/

The State rep.by
The Inspector of Police,
All Women Police Station,
Kottakuppam.

.. Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail pending investigation in Crime No.2 of 2023 on the file of the respondent police.

For Petitioner

:Mr.M.Neelakandan

For Respondent

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.03.2023, for the offence punishable under Sections 452,



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354(A) IPC, r/w 5(1), 5(j)(ii), 6 of POCSO Act 2012, in Crime No.2 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner, aged about 19 years, had induced the minor victim girl aged 14 years and committed repetitive penetrative sexual assault on her, due to which, she became pregnant. Hence the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner, aged about 19 years and the victim girl are known to each other and there was a love affair between them. He further submitted that the petitioner, without understanding the consequences and rigours of the Protection of Children from Sexual Offences Act, had developed an affair and had a consensual physical relationship with the minor victim girl, due to which, she became pregnant. She further submitted that the statement of the victim girl has been recorded under Section 164 Cr.P.C., wherein, she is stated to have admitted about the consensual relationship between them. She also submitted that the petitioner is in judicial custody from 23.03.2023. Hence, he prayed for grant of bail to the petitioner.



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4.Learned Government Advocate (crl.side) appearing for the respondent Police submitted that the petitioner had induced the minor victim girl aged 14 years and committed repetitive penetrative sexual assault on her, due to which, she became pregnant. He further submitted that the major part of the investigation has been completed and the pregnancy has also been aborted. Hence, he opposed for grant of 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 statement recorded under 164 Cr.P.C from the victim girl.

6. Taking into consideration the facts and circumstances of the case and submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



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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**, each for a like sum to the satisfaction of the **learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Villupuram** 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 **Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Villupuram, on all working days at 10.30 a.m., until further orders; However, it is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent police, 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;



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[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.

01.06.2023

vr

To

- 1.The Sessions Judge
Special Court for Exclusive trial of cases under POCSO Act
Villupuram.
- 2.The Inspector of Police,
All Women Police Station,
Kottakuppam.
- 3.The Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA,J.

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