



Crl.O.P.No.12992 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

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

Crl.O.P.No.12992 of 2023

Anandharaj

... Petitioner

Vs.

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

(Crime No.74 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime No.74
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Velumurugan

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

ORDER



Crl.O.P.No.12992 of 2023

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 10.05.2023 in Crime No.74 of 2023 registered for the offence under Section 366(A) of IPC @ Section 366 IPC and Section 5(1), 6, 17 of POCSO Act r/w Sections 9, 10 of Prohibition of Child Marriage Act, on the file of the respondent Police, seeks bail.

2. On the complaint given by the de-facto complainant that her daughter aged about 17 years was kidnapped by the petitioner/accused, a case in crime No.74 of 2023 has been registered by the respondent Police for the offence under Section 366(A) of IPC. During the course of investigation, it came to light that the accused had kidnapped the victim girl and married her and also committed penetrative sexual assault on her. Thereby, the case has been altered to the offence punishable under Section 366 of IPC, Sections 5(1), 6, 17 of POCSO Act r/w Sections 9, 10 of Prohibition of Child Marriage Act. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person. He would further submit that the petitioner was having love affair with the victim girl and since, it was objected



Crl.O.P.No.12992 of 2023

by the family members of the victim girl, both the petitioner and the victim girl eloped and got married in a temple at Nachiyarpettai. He would also submit that the petitioner, without understanding the consequences and rigours of the Protection of Children from Sexual Offences Act and Prohibition of Child Marriage Act, had developed an affair with the minor victim girl and had married her in temple. He would further submit that the petitioner understands that even in the statement recorded under Section 164 Cr.P.C., there is no allegation of sexual assault by the petitioner. He would further submit that the petitioner is in custody from 10.05.2023. Hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the accused had kidnapped the victim girl, aged 17 years and married her in a temple and taken her to several places and committed penetrative sexual assault on her. He further submitted that the statement under Section 164 Cr.P.C has been recorded from the victim girl wherein, she has stated that she had gone voluntarily along with A1 and A2. However, he opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned



Crl.O.P.No.12992 of 2023

Government Advocate (Crl.Side) and perused the materials available on record including the statement under Section 164 Cr.P.C recorded from the victim girl.

6. Taking into consideration the facts and circumstances of the case and the 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 with certain conditions.

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 Special Judge for exclusive trial of cases under 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 stay at Virudhachalam



Crl.O.P.No.12992 of 2023

and report before the Inspector of Police, Virudhachalam Town Police, everyday at 10.30 a.m., until further orders; However, the petitioner shall not enter into the jurisdictional limit 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;

[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.

08.06 .2023

vkrr



Crl.O.P.No.12992 of 2023

To
WEB COPY

1. The Special Judge for exclusive trial of cases under POCSO Act,
Cuddalore.
2. The Inspector of Police,
Karuveppilankurichi Police Station,
Cuddalore District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



CrI.O.P.No.12992 of 2023

A.D.JAGADISH CHANDIRA.,J.

vk

CrI.O.P.No.12992 of 2023

12.06.2023