



WEB COPY



CrI.OP.No.14064 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.OP.No.14064 of 2023

Sasikumar

..Petitioner

Vs.

The State Rep by
The Inspector of Police,
All Women Police Station,
Salem Town,
Salem District.
Crime No.38 of 2023

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.38 of 2023 on the
file of the Respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.side)



CrI.OP.No.14064 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.05.2023 for the offences punishable under Sections 11(i) read with Section 12 of POCSO Act, 2012, 306 & 511 of IPC @ 11(i) read with Section 12 of POCSO Act, 2012 in Crime No.38 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner had love affair with the victim girl. In connection with the love affair, there was an FIR in Crime No. 07 of 2023 registered for the offence under Sections 11(1), 11(2), 11(4), 11(5) of POCSO Act, 2012 and petitioner was granted anticipatory bail by this Court in CrI.O.P.No.3624 of 2023 on 28.02.2023, wherein this Court directed the petitioner to file an affidavit before the trial Court that he will marry the victim girl, after she attains majority. After getting anticipatory bail, victim girl started sending messages and made phone calls and insisted the petitioner to marry her. Since, she did not attain majority, petitioner avoided the victim girl. Thereafter, victim girl attempted to commit suicide and she had also given dying declaration. He further submitted



CrI.OP.No.14064 of 2023

that, petitioner in Judicial Custody from 30.05.2023. Therefore, he prays for grant of bail to the petitioner.

3. The learned Government Advocate (CrI. Side) submitted that, after registration of First FIR, there was negotiation between the parents of the petitioner and the victim girl and that, petitioner agreed to marry the victim girl. After getting anticipatory bail, petitioner retracted from the undertaking and that was the cause for victim girl attempting to commit suicide. Hence, he opposed for grant of bail to the petitioner.

4. Taking into consideration the facts and circumstances of the case that the case arose out of love affair between the petitioner and the victim girl and also considering that the petitioner is in Judicial Custody from 30.05.2023 and that the substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five



CrI.OP.No.14064 of 2023

thousand only) with **two sureties**, each for a like sum to the satisfaction of the **Sessions Judge, Principal POCSO Court, Salem** 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., 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



Crl.OP.No.14064 of 2023

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.

03.07.2023

Sma

To

1. Sessions Judge, Principal POCSO Court, Salem.

2.The Inspector of Police,
All Women Police Station,
Salem Town,
Salem District.

3.Central Prison,
Salem.

4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



WEB COPY



CrI.OP.No.14064 of 2023

Sma

CrI.O.P.No.14064 of 2023

03.07.2023