



CrI.OP.No.16434 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.08.2023

CORAM

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

CrI.OP.No.16434 of 2023

R.Lokesh

..Petitioner

Vs.

The State Rep. By
The Inspector of Police,
All Women Police Station,
Melmaruvathur.
Crime No.13 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.13 of 2023 pending
investigation on the file of the respondent police.

For Petitioner : Mr.D.Ashok Kumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.06.2023 for the offences punishable under Sections 366, 376(2)(n) of IPC and Sections 5(I), 5(J)(ii) and Section 6 of POCSO Act in Crime No.13 of 2023, on the file of the respondent police seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that, marriage between the petitioner and the defacto complainant was performed on 27.09.2020. However, complaint was given only on 12.06.2023. Thus, he seeks bail to the petitioner.

3. The learned Additional Public Prosecutor submitted that, defacto complainant was studying 12th standard and that she was minor. Petitioner had forcibly married her and had sexual relationship with her. As a result, she got pregnant and delivered a girl child. However, the child died within one month of its birth. Thereafter, petitioner had married one Devi on 26.05.2023.

4. The learned Government Advocate (Crl. Side) produced



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photographs showing petitioner tying thali to one Devi.

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5. Considered the rival submissions and perused the records. It is seen from the FIR allegations, the alleged marriage is said to have taken place on 27.09.2020. The complaint was given only on 12.06.2023. Considering the facts and circumstances of the case, petitioner is in Judicial Custody from 12.06.2023 and that material part of the investigation might have been over by this time, 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.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Special Court for Exclusive Trial of POCSO Cases, Chengalpattu** 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.



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[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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1. Special Court for Exclusive Trial of POCSO Cases,
Chengalpattu.

2. The Inspector of Police,
All Women Police Station,
Melmaruvathur.

3. District Jail,
Chengalpattu.

4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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