



Crl.O.P.No.17393 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

CORAM

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

Crl.O.P.No.17393 of 2023

Krishnan

...Petitioner

Vs.

State Rep By
The Inspector of Police,
Kachirapalayam Police Station,
Kallakurichi District.
(Crime No.181 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.181/2023 on the file of respondent.

For Petitioner : Mr.C.Deepak 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 09.06.2023 for the offences punishable under Sections 366, & 344 of IPC and Sections 5(l), 6 of POCSO Act and Section 9 of Child Marriage Act in Crime No.181 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner was in love with the victim girl and on the allegations of sexual assault, this case came to be registered. He further submitted that, Petitioner is in judicial custody from 09.06.2023. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor submitted that, originally FIR was registered in Crime No.181 of 2023 under the caption 'girl missing', subsequently altered into Sections 366, & 344 of IPC and Sections 5(l), 6 of POCSO Act and Section 9 of Child Marriage Act. Therefore, he prays for dismissal of this bail petition.

4. It is seen from the FIR allegations that the victim girl aged



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16 years went out of her house on 04.05.2023, at about 11.00 p.m., for shopping, thereafter she did not return. Subsequently, it came to light that she eloped with the petitioner. The 164 Cr.P.C. statement of the victim girl was recorded. As per the 164 Cr.P.C. statement, the victim girl and the petitioner left their home on 03.05.2023. They got married on 07.05.2023. Thereafter, they were apprehended by the police on 09.06.2023. In the 164 Cr.P.C. statement, she had stated nothing about the sexual assault committed by the petitioner.

5. In the said circumstances, this Court is inclined to grant bail to the petitioner and 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 **Special Court for 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 respondent police daily at 10.30.a.m., until further



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

03.08.2023

mpl

To

1.The Special Court for POCSO Act, Villupuram.



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2.The District Prison,
Salem.

3.The Inspector of Police,
Kachirapalayam Police Station,
Kallakurichi District.

4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

mpl

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