



Crl.O.P.No.17426 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

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

Crl.O.P.No. 17426 of 2023

Dinesh Kumar

...Petitioner

Vs.

The State Represented by,
The Inspector of Police,
All Women Police Station,
Villupuram,
Villupuram District.
Crime No.60 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.60 of 2023 on the file of the respondent police.

For Petitioner : Mr. P. Stephenson

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.06.2023 for the offences punishable under Section 366 of IPC r/w 5(I), 6 of POCSO Act in Crime No.60 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner and the victim girl were in love with each other. Originally, FIR was registered for the offence under Section 366 of IPC. Later, it was altered into Sections 366 of IPC r/w 5(I), 6 of POCSO Act. Petitioner is in judicial custody from 20.06.2023. Thus, he prays for bail to the petitioner.

3. In reply, the learned Additional Public Prosecutor submitted that, petitioner and the victim girl were lovers and they eloped. The statement of the victim girl under Section 164 of Cr.P.C., was recorded and the medical examination of the victim girl was also over.



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4. The reading of the statement of the victim girl under Section 164 of Cr.P.C., shows that, victim girl was in love with the petitioner. In fact, it is seen that, on coming to know about their love affair, victim girl's family members arranged a marriage for the victim girl with a person aged about 26 years and that was not liked by the victim girl. Thereafter, victim girl phoned the petitioner to take her with him. Accordingly, they eloped. In the said circumstances and having regard to the fact that, petitioner is in Judicial Custody from 20.06.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, 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 **Sessions Judge, Special Court for Exclusive Trial under POCSO Court, Villupuram** and on further conditions that :-



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[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 Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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[f] If the accused thereafter absconds, a fresh
FIR can be registered under Section 229A IPC.

11.08.2023

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To

1. Sessions Judge,
Special Court for Exclusive Trial under POCSO Court,
Villupuram.
2. District Jail,
Villupuram.
3. The Inspector of Police,
All Women Police Station,
Villupuram.
4. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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