



CrI.OP.No.18504 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

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

CrI.OP.No.18504 of 2023

Prabakaran

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
All Women Police Station,
Tiruvarur – 610 206 TN.
(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 Spl.S.C.No.32 of 2023 pending on the file of the learned Sessions Judge, Fast Track Mahila Court, Tiruvarur District.

For Petitioner : Mr.J.Jayan for
Mr.S.Nirmal Aditya

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.04.2023 for the offences punishable under Sections 363, 294 (b) and 506 (i) and Sections 6, 5 (j) (ii) and 5 (l) of the POCSO Act, 2012, in Crime No.13 of 2023 on the file of the respondent police, seeks bail.

2.It is the submission of the learned counsel for the petitioner that petitioner and defacto-complainant were in love with each other. Defacto-complainant eloped from her house and joined petitioner. Due to the physical relationship they had, defacto-complainant delivered a girl baby. All these incident had happened during 2021 and 2022. Now as after thought, she gave a complaint on 12.04.2023. Petitioner is willing to live with the defacto-complainant. Petitioner is in judicial custody from 12.04.2023. Hence, he seeks bail.

3.In response, the learned Additional Public Prosecutor submitted that as per the First Information Report allegations, petitioner made the defacto-complainant to love him under threat and coercion. He had taken her to Coimbatore and without consent of defacto-complainant had



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sexual relationship with her. Then, he was involved in theft case. She delivered a girl baby on 12.11.2022. While defacto-complainant was staying at the residence of her parents, he had beaten the defacto-complainant under the influence of alcohol and as a result she lost hearing in her right ear. He had abused and attacked her family members. She apprehends threat to her life and her family members. Therefore, this complaint was given. Section 164 Cr.P.C. statement of victim girl was recorded.

4.Considered the rival submissions and perused the records.

5.Section 164 Cr.P.C. statement of victim girl shows that petitioner lured the defacto-complainant to love him and then the defacto-complainant eloped with him. This incident had happened while the defacto-complainant was studying 12th standard in the year 2021. Thereafter, she delivered a girl baby on 12.11.2022. It appears that petitioner was involved in theft case and he was not supporting the family. He was also harassing the defacto-complainant and her family



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members. Now, she wants to study and she does not want to live with him.

6.Considering the nature of the allegations made in the First Information Report, statement of defacto-complainant given under Section 164 Cr.P.C and having regard to the fact that petitioner is in judicial custody from 12.04.2023, this Court is of the view that further incarceration of the petitioner in jail is not necessary, for the reason that substantial part of the investigation might have been completed by this time. In such circumstances, this Court is inclined to grant bail to the petitioner with 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 Sessions Judge, Fast Track Mahila Court, Tiruvarur District**, 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



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Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police at 10.00.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].

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

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G.CHANDRASEKHARAN. J.

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To

- 1.The Sessions Judge, Fast Track Mahila Court,
Tiruvarur District.
- 2.The Inspector of Police,
All Women Police Station,
Tiruvarur – 610 206 TN.
- 3.Nagapattinam Jail.
- 4.The Public Prosecutor,
High Court of Madras

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