



CrI.OP.No.21098 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

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

CrI.OP.No.21098 of 2023

Ajith Kumar

...Petitioner

Vs.

The State Rep by
Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
(Crime No.564 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with the case in Crime No.564 of 2023 pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Thenrajan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.07.2023 for the offences punishable under Sections 5(1) and 6 of POCSO Act in Crime No.564 of 2023 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated in this case registered in Crime No. 564 of 2023 for the offences under Sections 5(1) and 6 of POCSO Act. Petitioner is in judicial custody from 16.07.2023. Thus, he prays for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor submitted that, petitioner is aged about 21 years and the victim girl is aged about 17½ years. Petitioner committed penetrative sexual assault against the victim girl. The statement of the victim girl under Section 164 of Cr.P.C has 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, she fell in love with the petitioner and that was not accepted by her parents. On 11.07.2023, after college was over, she went to the house of petitioner Ajith. Petitioner's parents informed the same to victim girl's parents. Victim girl's father came to the petitioner's house and asked her to come with him. Victim girl refused to go with her father. Therefore, complaint was given by victim girl's father. Thereafter, on 13.07.2023, petitioner married the victim girl and had sexual relationship with her and they lived as husband and wife for five days. Thereafter, petitioner was arrested and the victim girl was sent to Home.

5. The aforesaid statement clearly indicates that the victim girl, who is aged about 17 ½ years and she was about to attain majority, went to the petitioner's house on her own and got married to the petitioner and had sexual relationship with him. In the said circumstances and considering the duration of custody of the petitioner ie., from 16.07.2023 and that, material part of the investigation might have been over by this



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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 Thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned Sessions Court, Fast Track Mahila Court, Thiruvarur** 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 10.00.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.



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[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.

13.09.2023

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To

1. Sessions Judge, Fast Track Mahila Court,
Thiruvvarur.
2. Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvvarur District.
3. Sub Jail,
Nagapattinam.
4. The Public Prosecutor,



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High Court of Madras

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G.CHANDRASEKHARAN. J.

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