



Crl.O.P.No.21592 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

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

Crl.O.P.No.21592 of 2023

Natarajan

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Ethapur Police Station,
Crime No.200 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in connection with Crime No.200 of 2023 pending on the file of the respondent police.

For Petitioner : Mr.N.Umapathi

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.06.2023 for the offence punishable under Section 366 of IPC and r/w Sections 5(1) and 6 of POCSO Act 2012 in Crime No.200 of 2023 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submitted that, petitioner is falsely implicated as an accused for the offences punishable under Section 366 of IPC and r/w Sections 5(1) and 6 of POCSO Act 2012 in Crime No.200 of 2023. It is the submission of the learned counsel for the petitioner that, petitioner is the lover of the victim girl. They got married, however, petitioner is falsely implicated as an accused in this case, on the basis of the complaint given by the victim girl's mother. Petitioner is in Judicial Custody from 15.06.2023. Thus, he seeks bail to the petitioner.

3. In response, learned Additional Public Prosecutor submitted that, defacto complainant is the mother of the victim girl. She had given a complaint on 04.06.2023 alleging that, her daughter was missing from home from 03.06.2023. Therefore, first information report was originally registered in the Crime No.200 of 2023 under the caption 'Girl missing'.



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In the course of investigation, it came to light that, victim girl eloped with the petitioner and got married. Victim girl is aged 17 years, whereas petitioner is aged 30 years. Petitioner committed penetrative sexual assault against the victim girl. The Statement under Section 164 of Cr.P.C was recorded and medical examination was over. Therefore, he prays for dismissal of this petition.

4. Considered the rival submissions and perused the records.

4.1 The reading of the 164 Cr.P.C Statement of the victim girl shows that, petitioner and victim girl developed love, when petitioner was involved in construction work for defacto complainant. When petitioner asked the victim girl that, whether they could marry, victim girl responded positively. On 03.06.2023, at about 5.30 p.m., petitioner took her in a car to a place and they stayed there. Next morning, he took her to a temple and tied thali. Then they had sexual relationship. Krishnapuram Chairman asked them to come to his house and asked victim girl's birth certificate. He informed that, she completed only 17 years and then sent



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her along with Natarajan. Thereafter, they were taken to police station.

After enquiry, police sent the victim girl along with her parents. One week later, Natarajan came to their house and requested victim girl's parents to send her with him. However, her parents refused to send her with him and beat him. Victim girl jumped in a well for the reason that, she was separated from petitioner.

4.2. From the statement of the victim girl, it is clear that, she was between 17 and 18 years and about to become a major. She had willingly left her home, married the petitioner and had physical relationship with him. Considering all these facts and that petitioner is in judicial custody from 15.06.2023 and that material part of the investigation is completed, this Court is inclined to grant bail to the petitioner with conditions 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 **learned Judicial Magistrate No.2, Attur** and on further conditions that :-

[a] the sureties shall affix their photographs and
Left Thumb Impression in the surety bond and the



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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 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.

20.09.2023

gd

G.CHANDRASEKHARAN. J.

gd



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To

1.The Judicial Magistrate No.2, Attur.

2.The Inspector of Police,
Ethapur Police Station.

3.The Central Prison, Salem.

4.The Public Prosecutor,
High Court of Madras.

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