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Crl.O.P.No.3331 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.3331 of 2024

Kamal

... Petitioner

Vs.

The State represented by
The Sub Inspector of Police,
Thanipadi Police Station,
Thiruvannamalai District.
Crime No.475 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.475 of 2023 on the file of
the respondent Police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody
on 01.12.2023 for the offences registered under Section 174 Cr.P.C as girl
missing and later, altered to Sections 366, 376(2)(n) of IPC and Sections 5(1)



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& 6(1) of POCSO Act, 2012 and Section 9 of Prohibition of Child Marriage Act, in Cr.No.475 of 2023 on the file of the respondent Police, seeks bail.

2.This Court perused the statement under Section 164(5) Cr.P.C recorded from the victim girl and it is seen that the petitioner has given a false name to the victim girl and he also stated that he was not a married person and lured her into physical relationship. Later, she came to know the actual name and also the fact that he is married.

3.The earlier application seeking bail in Crl.O.P.No.28824 of 2023 was dismissed by this Court on 22.01.2024. Now, it is stated that the investigation has been completed and final report had been taken cognizance as Spl.S.C.No.35 of 2024 before the Special Court for Exclusive Trial of cases under POCSO Act, Thiruvannamalai. In the statement recorded under Section 164(5) of Cr.P.C., the victim child had stated that she hopes the petitioner would not mislead any other victim.

4.She now has a duty to tender credible, admissible and reliable evidence and assist the prosecution.

5.Taking into consideration the period of incarceration and also of the fact that the investigation has been completed and final report had been taken cognizance, I am inclined to grant bail to the petitioner subject to the



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following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Special Court for Exclusive Trial of cases under POCSO Act, Thiruvannamalai 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, everyday at 9.00 a.m., and also report before the Special Court for Exclusive Trial of cases under POCSO Act, Thiruvannamalai, on everyday at 10.30 a.m., till framing of charges and thereafter, report before the respondent Police, on every Monday at 9.00 a.m., and also report before the trial Court, on every Monday at 10.30 a.m., till completion of the trial.

[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



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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.

14.02.2024

vkr

To

- 1.The Special Court for Exclusive Trial
of cases under POCSO Act, Thiruvannamalai.
- 2.The Sub Inspector of Police,
Thanipadi Police Station,
Thiruvannamalai District.
- 3.The Central Prison, Vellore.
4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN,J.

Vkr

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