



Crl.O.P.No.8172 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM

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

Crl.O.P.No.8172 of 2024

Govindaraji

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Tirupattur Taluk Police Station,
Tirupattur District.
Crime No.650 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.650 of 2023 on the file of
the respondent Police.

For Petitioner : Mr.S.V.Karthikeyan

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody
on 04.12.2023 for the offences punishable under Section 366, 363, 376(2)(n) of IPC and Sections



Crl.O.P.No.8172 of 2024

5(1), 6(1) of POCSO Act, 2012 in Crime No.650 of 2023 on the file of the respondent Police, seeks bail.

2.It is the contention of the learned counsel for the petitioner that the victim child had voluntarily gone away with the petitioner, since her marriage was proposed to be conducted with another person. It is stated that the petitioner is related to the victim child.

3.The earlier application seeking bail in Crl.O.P.No.1540 of 2024 was dismissed by this Court on 08.02.2024. The change in circumstance is that the investigation has been completed and final report had been filed through e-filing on 21.04.2024. In that regard, a report dated 22.04.2024 had been obtained from the learned Sessions Judge, Special Court for Exclusive trial of Cases under POCSO Act, 2012, Vellore.

4.Taking that factor into consideration and placing an obligation on the learned Sessions Judge to provide necessary protection for the victim child to enable her to depose on a fare manner, I am inclined to grant bail to the petitioner subject to the following conditions:

5.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 learned



Crl.O.P.No.8172 of 2024

Judicial Magistrate No.II, Thirupathur 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 10.30 a.m., until further orders. After the final report is taken cognizance, the petitioner must continue to appear before the trial Court, until further orders and discontinue appearing before the respondent Police.

[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.

26.04.2024

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Crl.O.P.No.8172 of 2024

C.V.KARTHIKEYAN,J.

Vkr

To

- 1.The Judicial Magistrate No.II, Thirupathur.
- 2.The Inspector of Police,
Tirupattur Taluk Police Station,
Tirupattur District.
- 3.The Central Prison, Vellore.
4. The Public Prosecutor, High Court of Madras.

Crl.O.P.No.8172 of 2024

26.04.2024