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CrI.O.P.No.21370 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.21370 of 2024

Krishnamoorthi

...Petitioner/Single Accused

Vs.

State Rep. by

The Deputy Superintendent of Police,

Thirupathur Taluk Police Station,

Thirupathur District.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of the BNS, 2023 praying to enlarge the petitioner on bail in Crime No.336 of 2024, pending investigation on the file of respondent police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.S.Vinothkumar
Government Advocate (CrI. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.06.2024 for the offences under Sections 363, 366(A), 376(2)(n) of the IPC r/w. Section 5(1), 6 of the Protection of Children from Sexual Offence Act, 2012 and Section 9 of the Child Marriage Act in Crime No.336 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner fell in love with the victim girl and kidnapped her to marry the victim girl. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner and the alleged victim girl loved each other; that knowing their affair, the defacto complainant arranged victim's marriage with his relative against her will. Hence, on 08.05.2024, the girl had voluntarily eloped with the petitioner with the intention of getting marriage. He further submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case; that the petitioner is ready to furnish substantial sureties for



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his due release on bail. He also submitted that the petitioner has been in custody since 28.06.2024. Hence, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) opposes the grant of bail to the petitioner by stating that the petitioner kidnapped the victim girl and the victim is now six months pregnant; that petitioner had already married with another person. He further submitted that the investigation in this case has almost been completed; that the charge sheet was also filed. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the representation made by both sides, already the investigation was completed and a charge sheet was also filed, and taking into consideration the period of incarceration undergone by the petitioner, and no previous case is pending against him, this Court is inclined to grant bail to the petitioner with certain 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



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learned ***Special Judge for Exclusive Trial of cases under POCSO Act of 2012, Vellore***, and on further conditions that :

[a] the petitioner shall report before the POCSO Court, Vellore, on all working days at 10.30 a.m., until further orders.

[b] the petitioner shall attend in accordance with the conditions of the bond;

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[e] the Petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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];



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and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

03.09.2024

dk

To

- 1.The Special Judge for Exclusive Trial of cases
under POCSO Act, 2012,
Vellore.
- 2.The Superintendent of Prison,
Central Prison Vellore.
- 3.The Deputy Superintendent of Police,
Thirupathur Taluk Police Station,
Thirupathur District.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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