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CrI.O.P.No.28660 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.28660 of 2024

Yuvaraj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
AWPS Sooramangalam Police Station,
Salem District.
(Crime No.31 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.31 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.Deepak Kumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 25.09.2024, seeking bail in Crime No.31 of 2024 registered for the offences under Sections 137(2) of BNS and Sections 5(l) r/w 6 of Protection of Children from Sexual Offences Act, 2012.



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2. The case of the prosecution is that the petitioner/accused had kidnapped the minor victim girl, aged about 14 years and committed penetrative sexual assault on her. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, aged about 19 years, is an innocent person and a false complaint has been given as against him. He further submitted that the petitioner was having a love affair with the minor victim girl and on coming to know about the same, the family members of the victim girl, have assaulted her and thereby, the victim had come out of her house and eloped along with the petitioner. He also submitted that on coming to know about the registration of the case, the petitioner and the victim girl surrendered before the Thalaivasal Police Station. He also submitted that the petitioner, without understanding the consequences and rigours of the Protection of Children from Sexual Offences Act, had taken the minor victim girl with him and other than that he has not committed any penetrative sexual assault on the victim girl. He further submitted that the petitioner is in custody from 25.09.2024, hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while objecting for grant of bail to the petitioner, submitted that the petitioner, aged about 19 years, had kidnapped the minor victim girl, aged about 14 years, and committed penetrative sexual assault on her. He further submitted that the minor victim girl has been secured and the statement has also been recorded from her under Section 183 of BNSS.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record including the statement recorded under Section 183 of BNSS from the victim girl.

6. Taking into consideration the facts and circumstances of the case and taking note of the statement recorded under Section 183 of BNSS from the victim girl that she, on her own volition has gone along with the petitioner and she has not made any allegation of sexual assault against the petitioner, this Court is inclined to grant bail to the petitioner.



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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 (out of which, one of the sureties should be either the father or mother of the petitioner)**, each for a like sum to the satisfaction of the learned **Sessions Judge, Principal POCSO Court, Salem**, 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 06.30 p.m., for a period of two weeks and thereafter, every Saturday at 10.30 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***



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[(2005)AIR SCW 5560];

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

18.11.2024

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To

1. The Sessions Judge,
Principal POCSO Court, Salem District.
2. The Inspector of Police,
AWPS Sooramangalam Police Station,
Salem District.
3. The Superintendent,
Central Prison,
Salem District.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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