

Crl.O.P.No.6346 of 2016

K.KALYANASUNDARAM, J.

The petitioner, who is arrayed as accused, was arrested and remanded to judicial custody on 01.02.2016 for the alleged offence punishable under Section 366-A of IPC and altered into Section 366-A of IPC and Section 9 of Protection of Children Marriage Act, 2006 and Section 6 of POSCO Act, 2012 and again altered into Section 366 of IPC and Section 9 of Protection of Children Marriage Act, 2006 and Section 6 of POSCO Act, 2012, in Crime No.27 of 2016 on the file of the respondent police and hence, seeks bail

2.The case of the prosecution is that the petitioner has already married and while the first marriage is subsisting, he developed illegal intimacy with the daughter of the defacto complainant and kidnapped her on 24.01.2016 and thereafter, he had physically relationship with her.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that both the petitioner and the defacto complainant are neighbours and the petitioner's first wife is mentally ill and therefore, the defacto complainant has agreed to give her as second wife to the petitioner. Subsequently, due to some misunderstanding, a false complaint has been given against him. The learned counsel appearing for the petitioner has also filed an affidavit to that effect.

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4. The learned Government Advocate(Crl. Side) appearing for the respondent would submit that originally the petitioner had kidnapped the daughter of the defacto complainant on 24.01.2016 and thereafter she was rescued after one week and as per her statement, she is now 15 years old.

5.Considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner, with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a personal 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 Additional Judge, Fast Track Mahila Court, Erode, and on further condition that the petitioner shall report before the respondent police daily at 10.00 a.m., until further orders.

22.03.2016

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