

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty First day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19981 of 2018

SELVARASU

[PETITIONER / ACCUSED]

Vs

[RESPONDENT]

STATE BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
JEYANKONDAM,
ARIYALUR DISTRICT.
CR.NO.12 OF 2018

For Petitioner : M/S.R.SUBRAMANIAN Advocate

For Respondent : MR. C.IYYAPPARAJ, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner was arrested on 25.06.2018 for the offence under Sections 9, 10 of the Prohibition of Child Marriage Act, 2006 and Sections 8 and 17 of the protection of child from sexual offences Act 2012 and Section 355 r/w 506 (i) of IPC in Cr.No.12 of 2018 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner married a minor girl for which the defacto complainant filed a complaint before the respondent police.

3.The learned counsel for the petitioner would submit that already marriage was solemnized and they are living together in the matrimonial home. He would further submit that now the victim girl attained the age of majority.

4.The learned Additional Public Prosecutor submits that the petitioner married minor girl and committed rape for which examination is awaited. He would further submit that now the victim girl attain majority and living together in the matrimonial home.

5.Taking into consideration the facts and submissions made by both the counsels and taking note of the fact that the victim girl attained the age of majority, and their marriage after solemnized I

6. 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Magistrate Court at Jayamkondam and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

21/08/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

WEB COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE COURT
JAYAMKONDAM

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR [FOR INFORMATION]

<https://hcservices.ecourts.gov.in/hcservices/>

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
JEYANKONDAM,
ARIYALUR DISTRICT

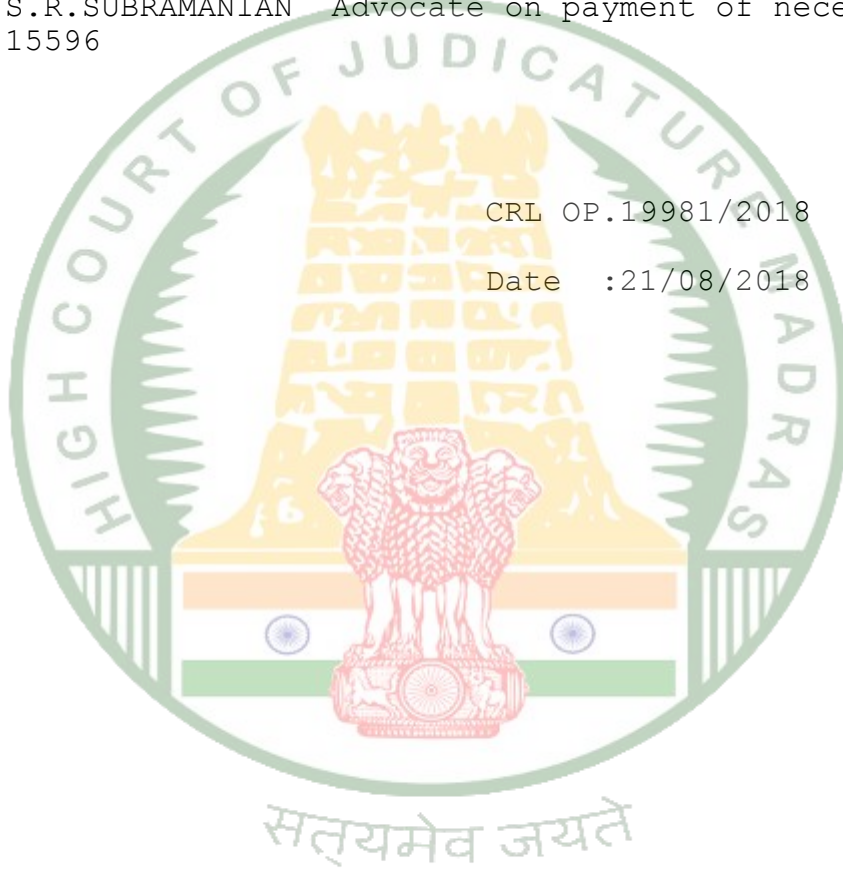
5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

+1CC to M/S.R.SUBRAMANIAN Advocate on payment of necessary
charges SR.NO. 15596

CRL OP.19981/2018

Date :21/08/2018

CM 21/08/2018



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