

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.17483 of 2019

A.CHANDRAN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,
MANALURPET POLICE STATION,
MANALURPET.

CR.NO.58 OF 2019.

[RESPONDENT]

For Petitioner : M/S.G.M.SYED FASI MOHAMMED Advocate

For Respondent : MRS. M.PRABHAVATHI, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 03.06.2019 for the offences punishable under Sections 366 (A) and 109 r/w 6 of POCSO Act, 2012. In Crime No.58 of 2019 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner fall in love with the victim girl aged about 17 and 9 months and thereafter, had physical relationship with her. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit the petitioner implicated in this case for an alleged offence. Further submits that the victim girl born on 19.05.2001 at present she is 18 years. On 01.06.2019, the petitioner and victim girl marriage was solemnized as per Hindu Rites and Customs at in Sri Pidari Eattiyamman Aaliyam Koil at Manimangalam, the victim girl is living with the petitioner and the respondent police arrested the petitioner on 03.06.2019 and he is in custody for the past 29 days and the investigation is also completed. He also undertakes to register their marriage after immediately came out of the prison. Hence the petitioner may be released on bail.

4.The learned Additional Public Prosecutor would submit that the victim girl did not attain majority and eloped with the petitioner. The victim girl did not attain majority and got married when she was 17 and 9 months with the petitioner. Hence, she vehemently opposed to grant bail to the petitioner.

5.It is seen that the victim girl lived together with petitioner for sometime happily. The victim girl also produced before this Court. The petitioner also undertakes to register their marriage immediately after coming out from the prison.

6.Considering the above facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Thirukoilur and on further conditions that :-

[a] the petitioner shall register their marriage immediately after coming out of the prison, if the petitioner failed to produce the marriage registered certificate, the respondent police is directed to take appropriate action in accordance with law.

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

08/07/2019

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

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)

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

High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUKOILUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MANALURPET POLICE STATION,
MANALURPET.

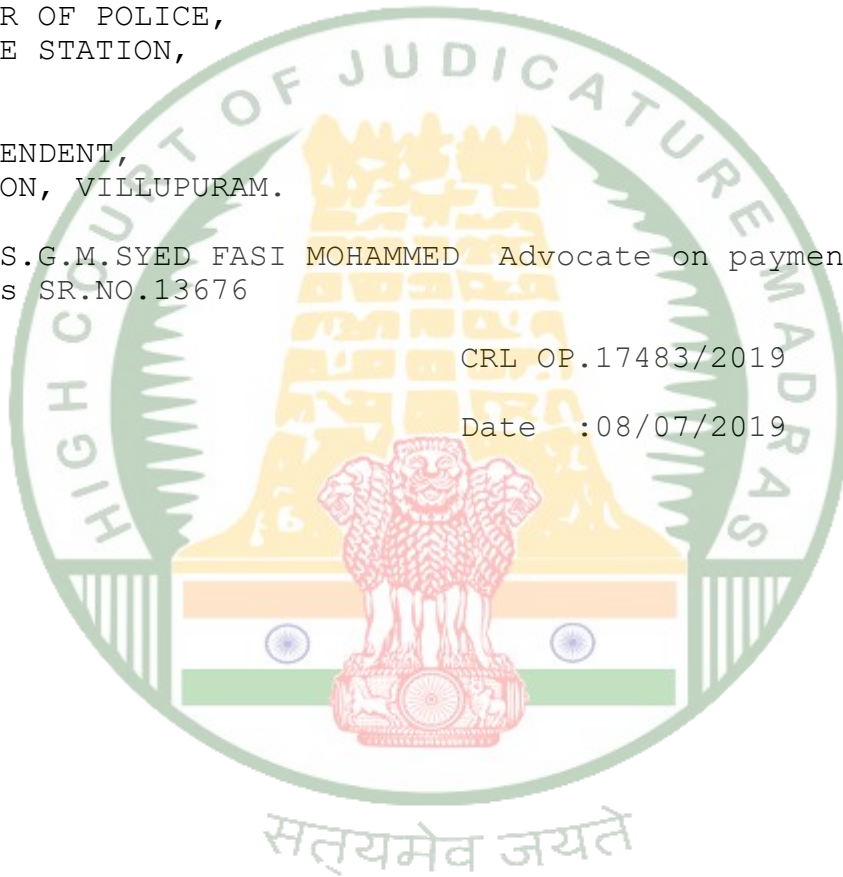
5 THE SUPERINTENDENT,
PERUMBAKKAM PRISON, VILLUPURAM.

+2 CC to M/S.G.M.SYED FASI MOHAMMED Advocate on payment of
necessary charges SR.NO.13676

CRL OP.17483/2019

Date :08/07/2019

TA-09/07/2019



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