

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Fourth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.6804 of 2020

PERUMAL

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PENNAGARAM,
DHARMAPURI DISTRICT.
CRIME NO.02 OF 2020.

For Petitioner : M/S.R.JOHN SATHYAN Advocate

For Respondent : MR.K.PRABAKAR, 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 27.02.2020 for offences punishable under Section 16 r/w 17 of the Protection of Children from Sexual Offences Act 2012 and under Section 10 of the Prohibition of Child Marriage Act 2006 in Crime No.2 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the mother of the defacto complainant negotiated an alliance between the defacto complainant and A1. Marriage was also performed between them. Thereafter, in matrimonial house, A1 used to come home drunk and beat the defacto complainant. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the allegation against the petitioner is that he mooted the alliance between the victim and A1 in this case. He would submit that the mother of the victim is arrayed as A4 and she is a single women having two children and she has requested the petitioner to arrange marriage for her daughter aged 18 years. Believing the statement of A4 that her daughter is aged 18 years, the petitioner arranged marriage between victim and A1. Marriage was conducted and they were living as husband and wife. Due to matrimonial dispute, problem had arisen. He submitted that the marriage was conducted only with the help of victim's mother and

the petitioner has not committed any offence as alleged in the prosecution. Hence, he seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner and the mother of the victim had arranged the marriage between the minor daughter and A1. He would submit that the victim was aged 15 years and investigation is still pending. He opposed for granting bail to the petitioner.

5.Taking into consideration the facts of the case and the submissions made by the learned counsel and also considering the Corona virus pandemic, this Court is inclined to grant bail to the petitioner subject to the following conditions;

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 one surety each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Dharmapuri 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 daily at 10.30 a.m., from 15.04.2020 onwards for a period of two weeks and then as and when required.

[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]**.

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

-sd/-
24/03/2020

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

TRUE COPY

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

TO

1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
DHARMAPURI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PENNAGARAM,
DHARMAPURI DISTRICT.

+1CC to M/S.R.JOHN SATHYAN Advocate on payment of necessary charges SR NO.5701

CRL OP.6804/2020

Date :24/03/2020

MK:24/03/2020

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