

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED :11.06.2020

CORAM

THE HONOURABLE MR.JUSTICE.N.ANAND VENKATESH

CrI.O.P.No. 8482 of 2020

M. Ramesh

... Petitioner

vs.

State rep. By

The Inspector of Police

All Women Police Station,

Pennagaram, Dharmapuri District.

(Crime No. 13 of 2019)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C. to enlarge the petitioner on bail in the event of his arrest concerned in Crime No.13 of 2019 on the file of the Inspector of Police, All Women Police Station, Pennagaram, Dharmapuri District.

For Petitioner : Mr.C. Prabakaran

For Respondent : Mr. M. Mohamed Riyaz

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 363 and 366 of IPC in Crime No.13 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner has married a minor victim girl and has thereby committed the offences.

3. The learned counsel for the petitioner submitted that there was a love affair between the petitioner and the victim girl and that the victim girl has also delivered a baby recently on 20.11.2019. The learned counsel further submitted that the petitioner is willing to abide by any conditions as may be imposed by this Court.

4. Mr.Mohammed Riyaz, learned Additional Public Prosecutor appearing on behalf of the respondent, submitted that the earlier bail petition filed by the petitioner in CrI.OP.No.33290 of 2019 was dismissed as withdrawn on 16.12.2019. The learned counsel further submitted that the respondent police came to know recently that the victim girl has also delivered a child through the petitioner.

5. This Court has carefully considered the submissions made on either side. The main allegation that has been made against the petitioner is that he has married a minor girl and has thereby

committed an offence under the provision of Child Marriages Act. The other offences are consequential to this offence. It is seen that the petitioner and the victim girl are living together and the victim girl has also delivered a child recently.

6. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court, Pennagaram, Dharmapuri District, on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five thousand only) each with two sureties out of which one surety shall be a blood relative each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 is directed to appear before the respondent police on every Monday at 10.30 a.m. until further orders.

[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 person thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

11/06/2020

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 JUDICIAL MAGISTRATE COURT,
PENNAGARAM, DHARMAPURI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

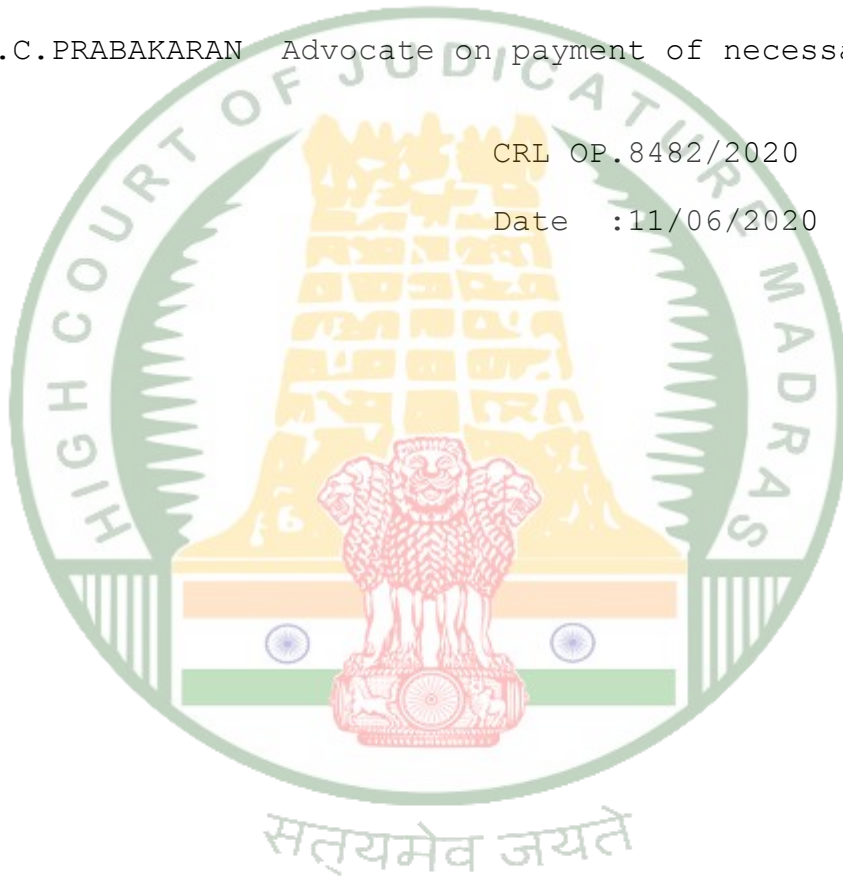
3 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PENNAGARAM, DHARMAPURI DISTRICT.

CC to M/S.C.PRABAKARAN Advocate on payment of necessary charges

CRL OP.8482/2020

Date :11/06/2020

RVR 17/08/2020



WEB COPY