

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2020

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.10278 of 2020

Azarudeen

... Petitioner

Vs.

The State represented by its
The Inspector of Police
D3, Podhanur Police Station,
Coimbatore District.
(Crime No.1170 of 2020

... Respondent

PRAYER: This Criminal Original Petition filed under section 438 of Cr.P.C., seeking to enlarge the petitioner on Bail in the event of his arrest in Crime No.1170 of 2020 on the file of the Inspector of Police, Podhanur Police Station, Coimbatore, Coimbatore District.

For Petitioner : Mr.C.D.Sukumar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5 (I) (j) (ii) of POCSO Act and Section 9 of the Prohibition of Child Marriage Act, in Crime No.1170 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner who is aged about 23 years has married the victim girl aged 16 years due to which, she became pregnant. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner that the victim fell in love with the petitioner and married him and was also living with the petitioner. The parents of both the victim and the petitioner accepted the marriage. Thereafter, when the victim was about nine months pregnant, was taken to hospital for regular check. At that time, the Social Welfare Officer came to know that the age of the victim was 17 years and on the pressure

given by the said Officer, the mother of the victim has lodged the present complaint against the petitioner. He further submitted that the victim has delivered a male child on 01.07.2020. Hence, the complaint.

4. The learned Additional Public Prosecutor submitted that the statement of the victim has not been recorded. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned District Munsif cum Judicial Magistrate, Madukarai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety, 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 shall report before the respondent police daily at 10.30 a.m within a period of two weeks thereafter 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].

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

8.With the above directions, this Criminal Original Petition is ordered.

-sd/-
08/07/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, MADUKARAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
D3, PODHANUR POLICE STATION,
COIMBATORE DISTRICT.

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

CRL OP.10278/2020

cs 17/08/2020

Date :08/07/2020

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