



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 10402 of 2020

Sridhar

... Petitioner/1<sup>st</sup> Accused

Vs.

The State represented by

The Inspector of Police,

Chengam Police Station,

Tiruvannamalai District.

Crime No.1610 of 2020

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in the above Crime No.1610 of 2020, on the file of the respondent police.

For Petitioner : Mr.K.Narayanan

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (CrI. Side)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 11.06.2020 for the offences punishable under Sections Girl Mission @ 366(A) of IPC @ 4, 5(1), 6 and 17 of POCSO Act 2012 and Section 9 of Prohibition of Child Marriage Act 2006 and Section 366, 366(A), 376 of IPC in Crime No. 1610 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant viz., Manikandan is that his daughter viz., Divya aged 16 years was found missing from 08.06.2020. Based on the complaint, a case was originally registered under the caption "Girl Missing". During the investigation, it was found that the petitioner has abducted the victim and taken her to Tindivanam and conducted marriage with her and thereafter committed penetrated sexual assault. Thereafter, the case was altered to 366(A) of IPC @ 4, 5(1), 6 and 17 of POCSO Act 2012 and Section 9 of Prohibition of Child Marriage Act 2006 and Section 366,



3. The learned counsel appearing for the petitioner submitted that the petitioner and the victim are known to each other and they were having love affair. Since the relationship between the petitioner and the victim girl was known to the parents of the victim girl, she was harassed by her parents and unable to bear the harassment, the victim girl has eloped from the home with the petitioner. Thereafter, based on the complaint, the victim has been secured. Hence he prays to grant bail to the petitioner.

4. The learned Government Advocate appearing for the respondent submitted that the petitioner has abducted the minor girl viz., daughter of the defacto complainant and married her and committed penetrated sexual assault. He submit that the medical examination in respect of the petitioner and victim girl has been conducted and the statement of the victim girl has been recorded under Section 164 Cr.P.C. Hence, he oppose to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and considering the incarceration for a period 30 days by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) The petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate, Chengam, with in a period two weeks, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;



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

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

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

-sd/-  
10/07/2020

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 JUDICIAL MAGISTRATE, CHENGAM

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUVANNAMALAI DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
CHENGAM POLICE STATION,  
TIRUVANNAMALAI DISTRICT,

5 THE OFFICER INCHARGE,  
SUB JAIL, POLUR AT TIRUVANNAMALAI

CC to M/S. K.NARAYANAN Advocate on payment of necessary charges

CRL OP.10402/2020

Date :10/07/2020