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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10739 of 2020

Arumugam

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
Crime No.1417 of 2020

... Respondent/Complainant

For Petitioner : M/s.M.Solaisamy,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.1417 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 02.09.2020 for the offences punishable under Sections Girl Missing @ Section 363 of IPC and Sections 5(1) r/w. Section 6 of POCSO Act, 2012 on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner fell in love with the victim girl aged about 18 years and eloped with her and got married. Based on the complaint given by the father of the victim initially a case was registered in Crime No.1417 of 2020 under 'Girl Missing' and thereafter altered to Sections 5(1) r/w. Section 6 of POCSO Act, 2012



3.The learned counsel for the petitioner would submit that now the victim girl is in her matrimonial home and she has also attained the age of majority and the petitioner undertakes to get their marriage registered after he comes out from the jail.

4. The learned Government Advocate(Crl.Side) produced the statement of victim girl recorded under Section 164 of Cr.P.C wherein the victim girl has clearly stated that she got married with the petitioner and thereafter they were produced before the respondent police and at that time the victim girl refused to go back with her parents and she was sent to the petitioner's house and now residing there.

5. It is seen that the petitioner fell in love with the victim girl and she attained majority. Her Date of Birth is 01.09.2002. It is also seen that both the victim and the petitioner got married and the victim is now in the petitioner's house.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.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 two blood sureties each for a like sum to the satisfaction of the Fast Track Mahila Court, Dindigul.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) After coming out from prison the petitioner shall register the Marriage with the victim girl namely Kamaleshwari forthwith and produce the Marriage Registration Certificate to the respondent police, failing which the bail granted to the petitioner shall stand automatically cancelled without any further reference to this Court and the respondent police shall act in accordance with law by securing the petitioner.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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 *Prakash Singh vs. State of Kerala* [(2005) AIR SCW 5560].



vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/10/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDGE,
FAST TRACK MAHILA COURT, DINDIGUL
2. THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT JAIL, THENI.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10739 of 2020
Date : 09/10/2020

AAV
TK/PN/SAR.4/09.10.2020/3P/5C