

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.275 of 2021

Akshay

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
All Women Police Station,
Kangeyam
Tiruppur District.
(Crime No.14 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.14 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. K.Govi Ganesan

For Respondent : Mr.M. Prabhavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

Petitioner is the sole accused. He was arrested and remanded to judicial custody on 10.11.2020 for the offence punishable under Section 366 IPC read with Section 9 of Prohibition of Child Marriage Act, 2006 and Section 6 of Protection of Child from Sexual Offences Act, 2012 in Crime No.14 of 2020 and hence, he seeks bail.

2. The case of the prosecution is that the petitioner had kidnapped the minor victim girl, who is aged 16 years and also married her and thereafter, a female child was born to them. Based on the complaint given by the Doctor of Government Hospital, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case. He would further submit that the petitioner was arrested and remanded to judicial custody on 10.11.2020. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor opposed to grant bail to the petitioner stating that the petitioner kidnapped the minor victim girl and subsequently married her and also a female child was born to them.

5. On a perusal of records, it is seen that the marriage between the petitioner and the victim girl took place on 13.03.2019 and the victim girl gave birth to a female child. It is also stated that both the petitioner and the de-facto complainant are close relatives and living together.

6. Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody since 10.11.2020, 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 condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur, and on further conditions that:

(b) 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;

(c) the petitioner, on his release from prison, shall report before the respondent police as and when required for interrogation.

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

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

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

(g) 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];

(h) 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/-
19/01/2021

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,
MAGALIR NEETHIMANDRAM
(FAST TRACK MAHILA COURT),
TIRUPPUR.

2 THE OFFICER INCHARGE,
SUB JAIL, BHAVANI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANGEYAM, TIRUPPUR DISTRICT.

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

CRL OP.275/2021

Date :19/01/2021

MK:20/01/2021

WEB COPY