

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.824 of 2021

Vasanth

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
All Women Police Station
Thiruthuraipoondi
Tiruvarur District
(Crime No.19 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.19 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. N.Palanivel

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 22.12.2020 for the offences punishable under Section 366(A) of IPC and Sections 6, 5(1) of Protection of Children from Sexual Offences Act 2012 and Section 9 of Prohibition of Child Marriage Act, in Crime No.19 of 2020, seeks bail.

2. The petitioner is the sole accused. The allegation is that the petitioner was in love with the minor victim girl, who is aged 17 years and with an intention to marry her, he had kidnapped the victim girl and sexually assaulted her. Based on the complaint given by the mother of the victim girl, crime has been registered. The petitioner was arrested on 22.12.2020.

3. The learned counsel for the petitioner would submit that the petitioner had not kidnapped the victim girl and both of them were in love with each other and on her own, the victim came out from the parental house. Subsequently, based on the complaint given by the mother of the victim, the petitioner was arrested and the victim girl was rescued. He would further submit that the petitioner has been in judicial custody since 22.12.2020. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor strongly opposed this bail application stating that the petitioner kidnapped the minor victim girl and sexually assaulted her and thereafter, he got married the victim. Thereafter, based on the complaint given by the mother of the victim, the petitioner was arrested and the victim girl was rescued. She would further submit that the investigation has been completed and a statement was recorded from the victim girl under Section 164 of Cr.P.C before the Judicial Magistrate, Thiruthuraipoondi.

5. Considered the rival submissions and perused the materials available on record.

6. On verification of the statement recorded under Section 164 of Cr.P.C, it reveals that both the petitioner and the victim girl were in love and both of them left from their parental house and the petitioner married her, and they were living together for more than a month. Thereafter, on the complaint given by the mother of the victim, the petitioner was arrested and he is in judicial custody since 22.12.2020. Now the investigation is completed.

7.Considering the above circumstances, 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 his executing 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 Sessions Judge, Fast Track Mahila Court, Tiruvarur, 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 appear before the respondent police daily at 10.30 a.m until further orders.

(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.

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

-sd/-

22/01/2021

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,
FAST TRACK MAHILA COURT,
TIRUVARUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUTURAIPOONDAI, TIRUVARUR.

4 THE OFFICER INCHARGE,
DISTRICT PRISON, NAGAPATTINAM.

CC to M/S N.PALANIVEL Advocate on payment of necessary charges
Sr.770

सत्यमेव जयते

CRL OP.824/2021

Date :22/01/2021

RVR 25/01/2021

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