

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.6336 of 2021

A.Ranjith Kumar

... Petitioner

Vs.

State Rep by
The Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri District.
(Crime No.5 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.5 of 2021 on the file of the Inspector of Police, All Women Police Station, Hosur, Krishnagiri District.

For Petitioner : Mr.C.Samivel

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 05.03.2021 and remanded to judicial custody for the offences under Sections 363 and 366 of IPC, Section 3 r/w 4 of POCSO Act and Section 9 of the Prohibition of Child Marriage Act in Cr.No.5 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim girl is a minor and the petitioner is said to have kidnapped the victim girl and married her. Based on the complainant given by the father of the victim girl, the case came to be registered.

3. The learned counsel for the petitioner submits that the victim girl and the petitioner loved each other and the victim girl, on her own volition, eloped with the petitioner. He further submits that statement of the victim u/s 164 Cr.P.C. has been recorded, in which, the victim has admitted that on her own volition she left her parental home and went with the petitioner. Hence, he seeks grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submits that victim is a minor girl and the petitioner kidnapped the victim girl and married her. She further submits that statement of the victim u/s 164

Cr.P.C. has been recorded and that investigation is almost completed. However, she opposed grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and the fact that the victim girl is on the verge of attaining majority and as per the statement of the victim u/s 164 Cr.P.C., the minor girl had admitted that she had, on her own, left her home and eloped with the petitioner and also considering the fact that investigation is almost completed and taking into account the period of incarceration suffered by the petitioner, I am inclined to grant bail to the petitioner subject to the following conditions:

6. 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned District Munsif-Cum-Judicial Magistrate No.I Hosur, Krishnagiri District and on further condition that: (a) 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. until further orders;

(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]; and;

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

-sd/-
09/04/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE NO.I,
HOSUR, KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
HOSUR, KRISHNAGIRI DISTRICT.

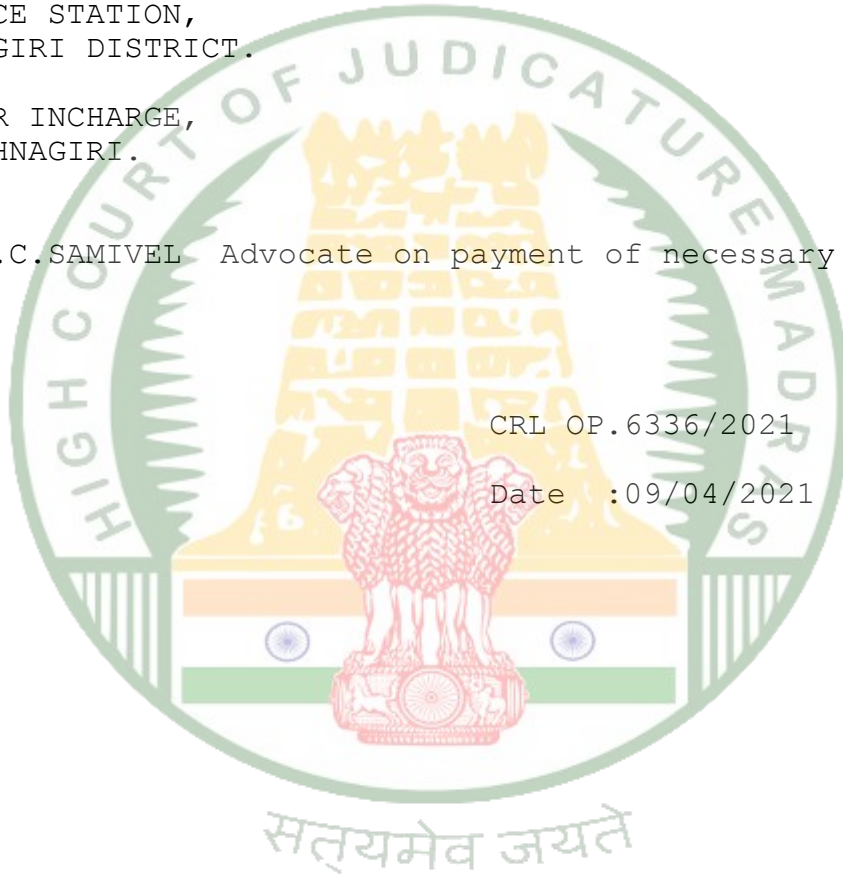
5 THE OFFICER INCHARGE,
SUB JAIL, KRISHNAGIRI.

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

CRL OP.6336/2021

Date :09/04/2021

MN-09/04/2021



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