

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Cr1.O.P.No.6968 of 2021

G.Mathiyazhagan

... Petitioner

Vs.

The State Rep. by
Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
(Crime No.319 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.319 of 2021 on the file of Inspector of Police, Thiruthuraipoondi Police Station, Thiruvarur District .

For Petitioner : Mr.Swami Subramanian

For Respondent : Mr.E.Raj Thilak
Counsel appearing for
Government of Tamil Nadu (Cr1 side)

ORDER

The petitioner who was arrested on 09.03.2021 and remanded to judicial custody for the offences under Section 366(A) of IPC, Section 6 r/w 5(1) of Protection of Children from Sexual Offences Act 2012 and Section 9 of the Prohibition of Child Marriage Act 2006 in Cr.No.319 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had kidnapped and married the victim girl. Further, he had sexual intercourse with the victim girl. Hence, the complaint was registered.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 09.03.2021 Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner had already married another woman. He would further submit that the investigation is almost completed and 164 statement has been recorded from the victim girl. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Having regard to the nature of allegations and considering the fact that the victim is aged about 18 years, the petitioner is already married with another woman and 164 statement has been recorded, substantial investigation is over, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the District Prison, Nagapattinam, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) (i) After the lockdown restrictions are raised and normal time is restored, the restrictions are totally raised, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum amount each to the satisfaction of the learned Additional Sessions Judge, Fast Track Mahila Court, Thiruvavarur District, The same shall be executed within a period of one month from the date the lockdown restrictions are raised.

(ii) If for any reason, the petitioner is not able to execute bond within the specified time, the petitioner shall approach this Court and file a petition seeking extension of time for the same.

(iii) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Voter ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the learned Additional Sessions Judge, Fast Track Mahila Court, Thiruvavarur District.

(c) After the lockdown restrictions are raised, normal time is restored, the petitioner shall abide by the following conditions imposed by this Court. The petitioner shall not interfere, influence or cause hindrance to the pending investigation.

(d) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(e) the petitioner shall not influence, threaten or coerce the evidence or witness either during investigation or trial,

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

(g)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 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;

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

-sd/-
03/06/2021

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 ADDITIONAL SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
THIRUVARUR DISTRICT.

2 THE SUPERINTENDENT,
DISTRICT PRISON, NAGAPATTINAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S.SWAMI SUBRAMANIAN Advocate on payment of necessary charges

CRL OP.6968/2021

Date :03/06/2021

MK:04/06/2021