

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.05.2021

Coram

The Honourable Mr.Justice G.CHANDRASEKHARAN

Crl.O.P.No.8870 of 2021

Sakthivel

...Petitioner

Versus

The State rep. by
Inspector of Police,
Kundadam Police Station,
Tiruppur District.
(Crime No.108 of 2021)

...Respondent

This Criminal Original Petition is filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.108 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.S.Karthikeyan,
Addl. Public Prosecutor

ORDER

The petitioner was arrested and remanded to judicial custody on 20.03.2021 for the alleged offence Girl Missing - NON Act @ 9 of Child Marriage Act and 3(a), 4 of POCSO Act, in Crime No.108 of 2021 on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that the petitioner has kidnapped the minor daughter of the defacto complainant viz., Madhumathi aged 15 years studying X Standard and married her due to lover affair.

3. The learned counsel for the petitioner would submit that the petitioner and the daughter of the defacto complainant were in love and that he was arrested and remanded to judicial custody.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that he has serious objection to this petition being allowed. He would further submit that the petitioner was arrested for the offence committed under Girl Missing - NON Act @ 9 of Child Marriage Act and 3(a), 4 of POCSO Act. He also submitted that the medical examination of the petitioner and defacto complainant is over.

5. Considering the fact that two minors were said to be in love and consequently, their love ended in child marriage and also taking note of the fact that the petitioner has been in judicial custody since 23.02.2021 and the medical examination of the petitioner and the defacto complainant is over, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Tiruppur and on further conditions that:

(a) the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 p.m until further orders.

(b) the petitioner shall not abscond either during investigation or trial.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(d) On breach of any of the aforesaid conditions, the learned Sessions Judge/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 is released on bail by the learned Sessions Judge himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

(e) If the petitioner/accused thereafter absconds a fresh FIR can be registered under Section 229A IPC.

-sd/-

12/05/2021

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, TIRUPPUR.

2 THE INSPECTOR OF POLICE
KUNDADAM POLICE STATION, TIRUPPUR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

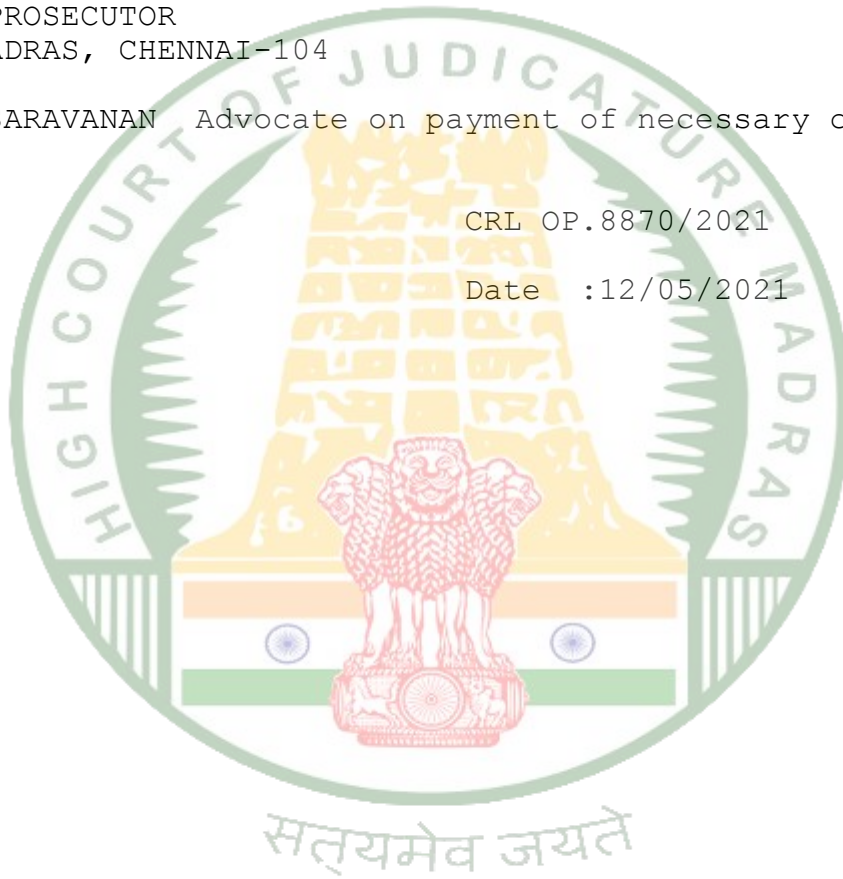
4 THE PUBLIC PROSECUTOR
HIGH COURT OF MADRAS, CHENNAI-104

CC to C.S.SARAVANAN Advocate on payment of necessary charges

CRL OP.8870/2021

Date :12/05/2021

rg.13.05.2021



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