

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM :

THE HON'BLE Mr.JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8814 of 2021

Mohammed Yusuf

... Petitioner

Vs.

The State of Tamil Nadu

Rep. by the Inspector of Police
W-13, Tondairpet All Women Police Station
Chennai.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation of the case in Crime No.113 of 2021 on the file of the respondent police, (W-13, Tondiarpet All Women Police Station)

For Petitioner : Mr.M.Illiyas

For Respondent : Mr.Charles Premkumar
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

2. The petitioner was arrested and remanded to judicial custody on 10.04.2021 for the alleged offences under Section 366A of IPC, Section 6 of POCSO Act and Section 9 of the Child Marriage Act in Crime No.113 of 2021. He seeks bail.

3. The petitioner through his counsel gives an undertaking that if the victim girl is still willing, the petitioner will marry her under the Special Marriage Act. He would submit that even though the petitioner is a Muslim and the victim girl is a Hindu, there will not be any insistence on religious conversion. It is a case of pure love affair.

4. Recording the said submission made by the learned counsel for petitioner, 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 Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Chennai 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 shall not commit any offences of similar nature;

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

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

(f) 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];

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

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

-sd/-

06/05/2021

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 JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAI, CHENNAI.

3 THE INSPECTOR OF POLICE,
W-13, TONDAIRPET ALL WOMEN POLICE STATION,
CHENNAI.

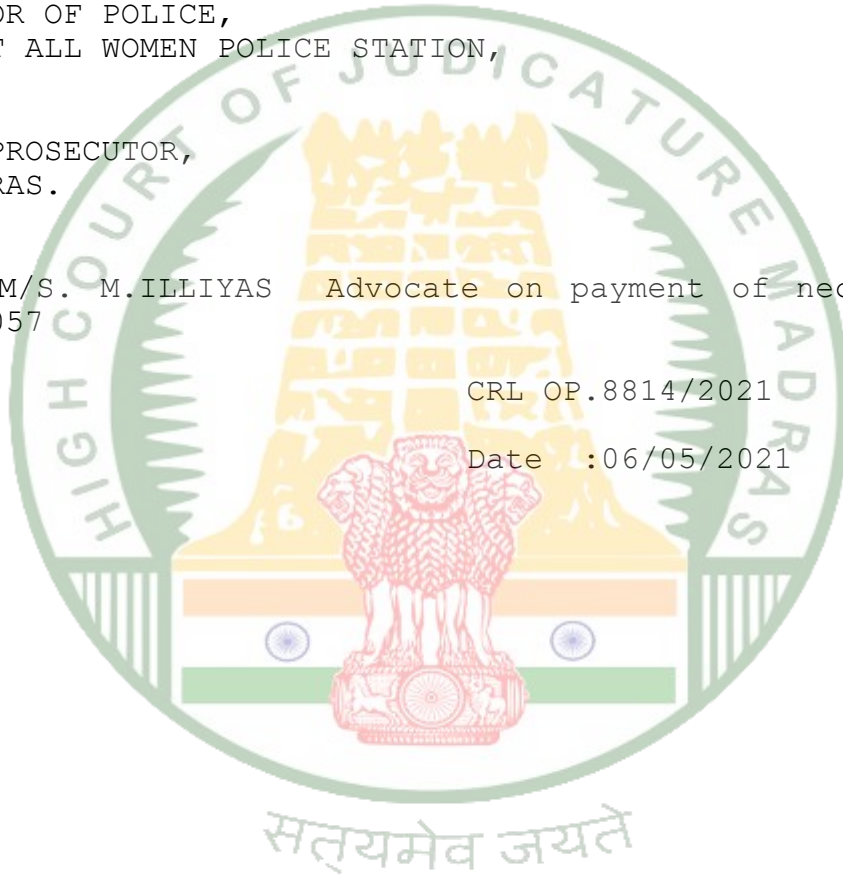
4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1CC to M/S. M.ILLIYAS Advocate on payment of necessary
charges SR NO.6057

CRL OP.8814/2021

Date :06/05/2021

MK:18/06/2021



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