



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11502 of 2021

WEB COPY

Kaviyarasu

... Petitioner

Vs.

The State rep. by Inspector of Police,
Udumalpet Police Station,
Tiruppur District.
Crime No.285 of 2021

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in Crime No.285 of 2021 on the file of the respondent police.

For Petitioner : Mr.D.R.Arun Kumar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

O R D E R

The petitioner who was remanded to judicial custody on 28.05.2021 for the offence under girl missing case and subsequently altered to Section 366 of IPC, Sections 5(1) r/w 6 of Protection of

Children from Sexual Offences Act, 2012 and Section 9 of Child Marriage Restraint Act in Cr.No.285 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that initially case was registered on the basis of the complaint given by the defacto complainant that her daughter was missing. Thereafter, it was found that the petitioner has married the defacto complainant's daughter.

3.The learned counsel appearing for the petitioner submitted that the petitioner and the victim are lovers and further submitted that the petitioner did not know that the victim is a minor and that after marriage they were living happily. The learned counsel also produced copy of the photograph to show their relationship.



4. Heard the submissions made by the learned Government Advocate (Crl. Side).

5. This Court perused the statement of the victim recorded under Section 164 of Cr.P.C. There is no serious allegations levelled against the petitioner and it also reveals that the victim and the petitioner had lived as husband and wife for more than six days. Hence, considering the period of incarceration undergone by the petitioner, I am inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on 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 Central Prison, Coimbatore, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) within a period of four weeks after the release, the petitioner shall 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 Magalir Neethimandram, Tiruppur;

(c) in case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four weeks therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated;

(d) 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;

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

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

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



(h) 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;

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

-sd/-

14/07/2021

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 MAGALIR NEETHIMANDRAM
TIRUPPUR

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

3 INSPECTOR OF POLICE,
UDUMALPET POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.D.R.ARUN KUMAR Advocate on payment of necessary charges Sr.7375

CRL OP.11502/2021

Date :14/07/2021

RVR 15/07/2021