



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.12463 of 2021

Anbu

... Petitioner

Vs.

The State Represent by
The Inspector of Police,
Thiruvalam Police Station,
Thiruvalam, Vellore District.
Crime No.250 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 connection with the case in Cr.No.250 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Vinodh Kumar

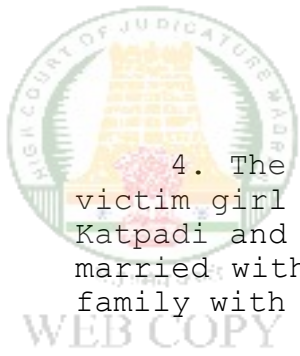
For Respondent : Mr.A.Gopinath
Government Advocate (CrI side)

ORDER

The petitioner, who was arrested on 03.06.2021 and remanded to judicial custody for the offences under Sections 9, 10 Prohibition of Child Marriage Act 2006 alter to Section 9, 10 of Prohibition of Child marriage Act 2006 read with Sections 5(1), 6, 17 of Protection of children from sexual offences Act and section 376(2)(n) of IPC in Cr.No.250 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the District Social Welfare officer has lodged a complaint before the respondent Police alleging that on 28.05.2021, A1 got married with the victim, who is a minor. Hence, this petitioner, who performed the marriage, was arrested by the law enforcing agency.

3. The learned counsel for the petitioner submitted that the petitioner is the uncle of the victim girl and he is no way connected with the alleged offence and he has been falsely implicated in this case and he further submits that A1 and the victim girl got married on 28.05.2021 with the consent of both the family members and at the presence of the elders. Therefore, he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 03.06.2021. Hence, he prays for grant of bail.



4. The learned Government Advocate (Crl.Side) submitted that the victim girl has been produced before the learned Judicial Magistrate, Katpadi and recorded 164 statement. In which, she stated that she got married with A1 and the marriage was solemnized by the elders of the family with her consent.

5. This Court is of the view that on perusal of the 164 statement, it was stated that she got married with A1 on her own volition and performed marriage in the nearby Temple and there is no serious allegation made against the petitioner and further considering the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation, 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, Central Prison, Vellore, 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 Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Judge for Exclusive Trial of Cases under POCSO Act. Vellore;.

(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 week 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/-

19/07/2021

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 SPECIAL JUDGE FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
VELLORE

2 THE JUDICIAL MAGISTRATE,
KATPADI

3 THE INSPECTOR OF POLICE,
THIRUVALAM POLICE STATION,
THIRUVALAM, VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

CC to M/S.G.VINODHKUMAR Advocate on payment of necessary
charges Sr.7532

CRL OP.12463/2021

Date :19/07/2021

RVR 20/07/2021