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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P.No.12722 of 2021

Venkateshan

... Petitioner

Vs.

State represented by
The Inspector of Police,
All Women Police Station, Dharmapuri
Dharmapuri District.
Crime No.06 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.,
praying to enlarge the petitioner/accused on bail in connection with
the Crime No.06 of 2021 pending on the file of the respondent police.

For Petitioner : Mr. Jayachandran

For Respondent : Mr.A.Gopinath
Government Advocate(Cr1. side)

ORDER

The petitioner who is arrested on 09.06.2021 for the offence under Sections 363, 366 of I.P.C and subsequently altered into under Section 5(1) 6 of Protection of Child from Sexual Offence Act 2012 in Crime No.06 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the victim girl fell in love with each other. Subsequently the petitioner eloped with the minor girl for marrying her. Based on the complaint given by the mother of the victim girl, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner and the victim girl fell in love each other. He further submits that the victim girl on her own volition came out of the house to marry the petitioner. Apart from that he has not committed any offence as alleged by the prosecution and that he has



been falsely implicated in the case and he is judicial custody from 09.06.2021. However he further submits that now the petitioner is ready and willing to marry the victim girl after she attains majority he also filed an affidavit to that effect. Hence he prays for grant of bail to the petitioner.

4.The learned Government Advocate submitted that statement of the victim girl u/s 164 Cr.P.C. has been recorded, in which, the victim has admitted that on her own volition she left her parental home and went with the petitioner.

5.Considering the facts and circumstances of the case and the fact and as per the statement of the victim girl u/s 164 Cr.P.C., the minor girl had admitted that she had, on her own, left her home and eloped with the petitioner and also considering the fact that the petitioner having been under incarceration from 09.06.2021, this Court is inclined to grant bail to the petitioner with following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the *Fast Track Mahila Court, Dharmapuri* , and on further condition that:

(a)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;

(b)the petitioner is directed to appear before the respondent police daily morning at 10.30 am until further orders.

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

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

(e)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 petitioners 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;



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

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-sd/-
27/07/2021

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 FAST TRACK MAHILA COURT,
DHARMAPURI.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DHARMAPURI DISTRICT.

3 THE OFFICER INCHARGE
SUB JAIL, DHARMAPURI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.12722/2021

Date :27/07/2021

CSK 28/07/2021