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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P.No.12817 of 2021

Thiyagu @ Thiyagarajan

... Petitioner

Vs.

State represented by
The Inspector of Police,
Natrampalli Police Station,
Vellore District.
Crime No.185 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.185 of 2021 pending on the file of the respondent police.

For Petitioner : M/s Karan and Uday

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

ORDER

The petitioner who is arrested on 18.06.2021 for the offence under Sections 366-A @ 363,366 and 376(2)(n) of I.P.C altered to 363,109 of I.P.C, 1860 under Section 5(1) and 6 of POCSO Act, 2012 and under Section 9 of Prohibition of Child marriage Act in Crime No.185 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 the minor victim girl and married her. Based on the complaint given by the father 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 married the victim girl and they are living as husband and wife. He further submits that the victim girl on her own volition came out of the house and married the petitioner. Hence, he learned counsel prays to grant 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.

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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 18.06.2021, 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 **learned Exclusive Trial of cases under POCSO Act, Vellore District.** , 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.

-sd/-
26/07/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



TO

1. THE EXCLUSIVE TRIAL OF CASES UNDER POCSO
ACT, VELLORE DISTRICT.

2. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

4. THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S.KARAN AND UDAY Advocate on payment of necessary
charges

CRL OP.12817/2021

Date :26/07/2021

TA-27/07/2021