



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12915 of 2021

Boopathy

... Petitioner

Vs.

The State rep by
The Inspector of Police,
All Women Police Station,
Kangayam,
Tiruppur District.
(Crime No.4 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 Crime No.4 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Prabakar

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

ORDER

The petitioner who was arrested on 23.06..2021 and remanded to judicial custody for the offences under Sections 7, 8 of POCSO Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006, in Crime No.4 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to the love affair between the petitioner and the victim girl, thereafter, the petitioner had married the minor victim girl. Hence, the complaint was registered.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 23.06.2021. He further submits that except the Child Marriage Act no other allegation is made against the petitioner. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner had no sexual relationship with the victim girl.. He further submits that the statements under section 164 of Cr.P.C has been recorded from the victim girl.



5. This Court perused the statement of the victim recorded under Section 164 of Cr.P.C. which reveals that the victim, on her own volition, had stated that there was no sexual relationship between them and the petitioner had married the victim girl and taking into consideration the above statement and considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain 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, each for a like sum to the satisfaction of the Magalir Neethi Mandram, Tiruppur, 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 shall report before the respondent police, daily at 10.30 a.m. 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 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;

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

-sd/-
29/07/2021

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.



1 THE MAGALIR NEETHIMANDRAM
TIRUPPUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANGAYAM,
TIRUPUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to M/S.R.PRABAKAR Advocate on payment of necessary
charges SR.NO.7888

CRL OP.12915/2021

Date :29/07/2021

TA-30/07/2021