



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13188 of 2021

Vignesh

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District,
(CrimeNo.339 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.339 of 2021 on the file of the respondent police.

For Petitioner : Mr.A.R,Suresh

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 363, 366 of IPC and Sec 5(1) r/w 6 of POCSO Act 2012 and Sec 9 of the Child Marriage Restraint Act 2006, in Crime No.339 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 A1 and the victim girl, thereafter, A1 married the victim girl. The petitioner is the friend of A1, he was implicated in this case. 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. Therefore, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the victim girl has been secured. 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 a love affair between A1 and the victim girl, thereafter, A1 married the victim girl. It is further seen that the victim girl has been secured and the petitioner is a friend of A1 and further no overt act has been attributed against the petitioner and also 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 learned Sessions Judge, 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 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.

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-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.

TO

1 THE LEARNED SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
DHARMAPURI.

2 THE INSPECTOR OF POLICE,
KARIMANGALAM POLICE STATION,
DHARMAPURI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON,
DHARMAPURI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. A.R.SURESH Advocate on payment of necessary charges SR.No.7864

CRL OP.13188/2021

Date :29/07/2021

CSK 30/07/2021