



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13233 of 2021

WEB COPY

1. Mr.Suryan @ Surya, M/26 years, ... Petitioners
S/o.Palani,

2. Mr.Sakthivel, M/23 years,
S/o.Palani

Vs.

State: Inspector of Police, ... Respondent
Karimangalam Police Station,
Dharmapuri District.
(Crime No.352 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail pending investigation in Crime No.352 of 2021 on the file of the respondent police.

For Petitioners : Mr.M.P.Saravanan

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

ORDER

The petitioners who were arrested on 30.06.2021 and remanded to judicial custody for the offences under Section 363, 366 of IPC and 5(1), 6 of POCSO Act 2012 and 9, 10 of Prohibition of Child Marriage Act in Crime No.352 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that there was a love affair between A1 and the victim girl. On 26.06.2021, A1 had kidnapped the victim girl and thereafter, A1 got married with the victim girl and A1 made sexual assault on her. The petitioners are the friends of A1, they were implicated in this case. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they are no way connected with the alleged offences and they have been falsely implicated in this case. Hence he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that the statement of 164 Cr.P.C has been recorded , in which, she has not stated any serious allegation against the petitioners. On her own



volition, she got married with A1. He further submits that the victim girl has been secured. Hence, the learned Government Advocate has no serious objection to grant bail to the petitioners.

5. This Court is of the view that on perusal of the 164 statement, there is no serious allegation made against the petitioners, on her own volition, she got married with A1 and the victim girl has been secured and further considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

(d)the petitioners 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/-

30/07/2021

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 SESSION JUDGE,
FAST TRACK MAHILA COURT, DHARMAPURI

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.13233/2021

Date :30/07/2021

INBA 02/08/2021