



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.13292 of 2021

Sasi Kumar

... Petitioner

Vs.

State rep. by
Inspector of Police,
All Women Police Station,
Tirupur North City
Tiruppur.
(Cr.No.11 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in Crime No.11 of 2021 on the file of respondent police.

For Petitioner : Mr.V.Balamurugan

For Respondent : Mr.A.Gopinath
Government Advocate

ORDER

The petitioner who was remanded to judicial custody on 09.07.2021 for the offence under Sections 9 and 10 of the Child Marriage Act, 2006 and under Section 5(1) r/w. Section 6 of POCSO Act, 2012 in Crime No.11 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner is alleged to have performed marriage with victim girl who is a minor aged about 17 years. Since the victim is a minor girl, the case came to be registered.

3.The learned counsel appearing for the petitioner would submit that the marriage of the petitioner was performed with the consent of the victim girl and since the victim is a minor the case came to be registered and further submitted that there is no other allegation levelled against the petitioner.



4. Heard the submissions made by the learned Government Advocate.

5. This Court perused the statement of the victim girl recorded under Section 164 of Cr.P.C., which reveals that with the consent of the victim, the marriage was performed and that both the petitioner and victim are living happily. Hence, I am inclined to grant bail to the petitioner.

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 Magalir Neethimandram (Fast Track Mahila Court) at 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. for a period of two weeks and thereafter as and when required for interrogation;

(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 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/-
02/08/2021

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,
(FAST TRACK MAHILA COURT) AT TIRUPPUR.

2 THE OFFICER INCHARGE
SUB JAIL, TIRUPPUR.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUPUR NORTH CITY,
TIRUPPUR.

+1 CC to M/S.V.BALAMURUGAN Advocate on payment of necessary charges
SR.No.8024

CRL OP.13292/2021

Date :02/08/2021

cs 03/08/2021