



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.13576 of 2021

R.Likith

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Vadavanakkambadi Police Station,
Vadavanakkambadi,
Tiruvannamalai District.

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in Crime No.272 of 2021 pending on the file of respondent police.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.A.Gopinath
Government Advocate

O R D E R

The petitioner who was arrested on 26.06.2021 for the offence under Sections 366, 363, 376(2)(n) of IPC and Section 5(I) and 6 of POCSO Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006 in Crime No.272 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 the victim girl who is a minor.

3.The learned counsel appearing for the petitioner would submit that the victim girl on her own volition eloped with the petitioner.

4.The learned Government Advocate (Cr1. Side) submitted that investigation reveals the the petitioner and minor victim girl were lovers and on her own volition, she went along with the petitioner and married him.

5.This Court perused the statement of the victim girl recorded under Section 164 of Cr.P.C., which reveals that the marriage was performed with the consent of the victim girl. 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 Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai 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/-
18/08/2021

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.

TO

1 THE SPECIAL COURT FOR
EXCLUSIVE TRIAL CASES UNDER POCSO ACT,
TIRUVANNAMALAI.

2 THE INSPECTOR OF POLICE,
VADAVANAKKAMBADI POLICE STATION,
VADAVANAKKAMBADI,
TIRUVANNAMALAI DISTRICT.



3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.B.JAWAHAR Advocate on payment of necessary charges

CRL OP.13576/2021

Date :18/08/2021

INBA 19/08/2021