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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos.13560 & 13804 of 2021

Mani @ Manikandan .. Petitioner in Crl.O.P.No.13560 of 2021

Malathi ...Petitioner in Crl.O.P.No.13804 of 2021

Vs.

State rep by its ... Respondent in both petitions.
Inspector of Police,
All Women Police Station,
Dharmapuri.
(Crime No.07 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.7 of 2021 on the file of the respondent police.

For Petitioners : Mr.J,Bharathiraja
in Crl.O.P.No.13560 of 2021

For Petitioners : Mr.G.Kesavan
in Crl.O.P.No.13804 of 2021

For Respondents : Mr.C.E.Pratap
(in both the petitions) Government Advocate (Crl.Side)

ORDER

The petitioners who were arrested on 0507.2021 and remanded to judicial custody for the offences under Sections 363, 366 of IPC r/w 5(1) r/w 6, 16, 17 of POCSO Act 2012, in Crime No.07 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 the A1 and the victim girl. Further, the petitioner's mother had performed the marriage between A1 and the minor victim girl and A1 got married the minor victim girl and he has made sexual intercourse with the victim girl. Hence, the complaint.



3. The learned counsel for the petitioners submitted that the petitioners are innocent person 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 statement of the victim girl u/s 164 Cr.P.C. has been recorded, in which, the victim has admitted that on her own volition, she went along with A1 and got married.. .

5. This Court had perused the statement of the victim under Section 164 of Cr.P.C. which reveals that the victim, on her own volition, she went along with A1 and she had married A1 and the victim girl has been secured and considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners.

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.

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-sd/-
12/08/2021

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 SESSIONS JUDGE,
FAST TRACK MAHILA COURT, DHARMAPURI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DHARMAPURI DISTRICT.

4 THE OFFICER INCHARGE
DISTRICT JAIL, DHARMAPURI.

5 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, SALEM.

+1 CC to M/S.J.BHARATHIRAJA Advocate on payment of necessary charges SR.NO.8480

+1 CC to M/S.G.KESAVAN, Advocate on payment of necessary charges SR.NO.8448

CRL OP.13560 & 13804/2021

Date :12/08/2021

TA-13/08/2021