



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13761 of 2021

Anandakumar,

.. Petitioner

Vs.

State rep by :

... Respondent

The Inspector of Police,
All Women Police Station,
Pollachi, Coimbatore District.
(Crime No.11 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail pending investigation in Crime No.11 of 2021 on the file of the respondent police.

For Petitioner : Mr.P.M,Duraiswamy

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 13.07.2021 and remanded to judicial custody for the offences under Sections 3 r/w 4(2) of Protection of Children from Sexual Offences Act 2012 (Amendment Act 2019) and under Sections 9, 10 & 11 of Prohibition of Child Marriage Act 2006, in Crime No.11 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner's family members along with victim's family members have performed the marriage between the petitioner and the minor victim girl and the petitioner got married the minor victim girl. Further, he has made sexual intercourse with the minor victim girl. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the marriage was performed with the consent of the victim girl, and since the victim girl is a minor, the case came to be registered and there are no other allegations levelled against the petitioner. Hence he prays for grant of bail to the petitioner.

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 the petitioner.



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 the petitioner and further, there is no specific overt act attributed against this petitioner and the victim girl has been secured and considering the period of incarceration suffered by the petitioner, this Court is 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, each for a like sum to the satisfaction of the Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore, 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.

-sd/-
11/08/2021

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 OF CASES UNDER POCSO ACT,
COIMBATORE.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
POLLACHI, COIMBATORE DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.13761/2021

Date :11/08/2021

INBA 12/08/2021