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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.13874 of 2021

R.Jayakanthan
(*) S/O. RAJA

.. Petitioner

Vs.

State rep by Inspector of Police,
W-33, All Women Police Station,
Puzhal, Chennai.
(Crime No.16 of 2021)

... Respondent

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.16 of 2021 on the file of the respondent police.

For Petitioner : Mr.T.Nixon

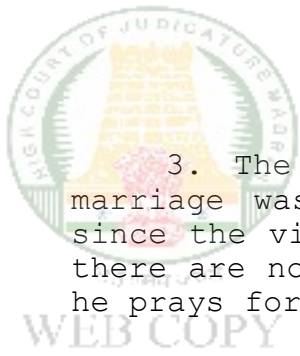
For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)
(DATED 11/08/2021)

MR.A.GOPINATH GOVERNMENT ADVOCATE
(CRL. SIDE) (DATED 25/08/2021)

ORDER

The petitioner who was arrested on 04.07.2021 and remanded to judicial custody for the offences under Sections 9 and 10 of the Protection of the Child Marriage Act, 2006 and adding Section 6 of POSCO Act, in Crime No.16 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a love affair between the petitioner and the victim girl. Further, 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 and both are blessed with female baby. Hence, the complaint.



3. The learned counsel for the petitioner submitted that the marriage was performed with the consent of the elder parents, 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 and got married, thereafter, both are blessed with female baby.

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 she had married the petitioner and both are blessed with female baby 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 **(*)DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE COURT, MADHAVARAM** 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.

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-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.

(*) AMENDED AS PER ORDER OF THIS COURT DATED 25/08/2021 MADE IN CRL.MP.NO.8297 OF 2021.

TO

**(*)1 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE COURT,
MADHAVARAM**

2 THE MADHAVARAM JUDICIAL
MAGISTRATE COURT, PONNERI.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

4 INSPECTOR OF POLICE,
W-33, ALL WOMEN POLICE STATION,
PUZHAI, CHENNAI,

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI

CC to M/S. T.NIXON Advocate on payment of necessary charges
Sr.9048

CRL OP.13874/2021

Date :11/08/2021

RVR 12/08/2021

RVR 01/09/2021