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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.13938 of 2021

Anwar Basha

... Petitioner

Vs.

The Inspector of Police,
W35 All Woman Police Station,
Tambaram.
Crime No.1766 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., praying to enlarge the petitioner by the respondent police concerned in Crime No.1766 of 2020 on the file of the respondent police.

For Petitioner : Mr. T.Vijayaraghavan

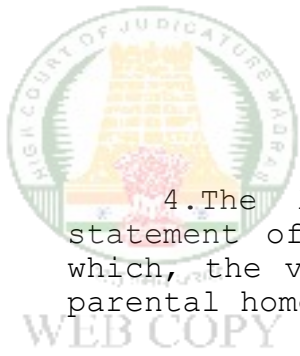
For Respondent : Mr.C.E.Pratap
Government Advocate(Crl. side)

O R D E R

The petitioner who was arrested on 07.07.2021 for the offence under Section 366 I.P.C and Section 6, 5(1), 5(j)(ii) of POCSO Act 2012, in Crime No.1766 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the victim girl fell in love with each other. Subsequently the petitioner eloped with the minor girl for marrying her. Based on the complaint given by the mother of the victim girl, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner and the victim girl fell in love each other. He further submits that the victim girl on her own volition came out of the house to marry the petitioner. Apart from that he has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the case and he is judicial custody from 07.07.2021. However he further submits that now the petitioner is ready and willing to marry the victim girl after she attains majority. 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 left her parental home and went with the petitioner.

5.This Court had perused the statement of the victim girl u/s 164 Cr.P.C., the minor girl had admitted that she had, on her own volition, she went along with the petitioner and both families were agreed to marriage and the victim girl has been secured and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with following conditions:

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 Judicial Magistrate No.I, Tambaram, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 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/-

10/08/2021

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 JUDICIAL MAGISTRATE,
NO.I, TAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
W35 ALL WOMEN POLICE STATION,
TAMBARAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

CC to M/S. T.VIJAYARAGAVAN Advocate on payment of necessary charges Sr.8345

CRL OP.13938/2021

Date :10/08/2021

RVR 11/08/2021