



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.14188 of 2021

M.Mani

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.
Crime No.339 of 2021

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in Crime No.339 of 2021 on the file of the respondent police.

For Petitioner : Mr.A.R.Suresh

For Respondent : Mr.A.Gopinath
Government Advocate

O R D E R

The petitioner who was arrested and remanded to judicial custody on 23.06.2021 for the offence under Sections 363, 366 of IPC and Section 5(1) r/w. 6 of POCSO Act, 2012 and Section 9 of the Child Marriage Restraint Act, 2006 in Crime No.339 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 marriage of the petitioner was performed with the victim girl with the consent of their parents.

4.The learned Government Advocate (Crl. Side) did not dispute the facts submitted by the learned counsel appearing for the petitioner.

5.This Court perused the statement of the victim girl recorded under Section 164 of Cr.P.C., which reveals that the marriage of the petitioner was performed with the victim girl with the consent of their parents. 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 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 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.



1 THE SESSIONS JUDGE,
FAST TRACT MAHILA COURT, DHARMAPURI.

2 THE INSPECTOR OF POLICE,
KARIMANGALAM POLICE STATION,
DHARMAPURI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, DHARMAPURI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. A.R.SURESH Advocate on payment of necessary
charges SR.NO.8724

CRL OP.14188/2021

Date :18/08/2021

INBA 19/08/2021