



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.14257 of 2021

Murugan

... Petitioner

Vs.

State rep by,
The Inspector of Police,
Pochampalli Police Station,
Krishnagiri District.
(Crime No.238 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.238 of 2021 pending on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 19.07.2021 and remanded to judicial custody for the offences under Sections Girl Missing subsequently, it was altered into 366 of IPC r/w Section 5(1), 6 of Protection of Children from Sexual Offence Act 2012, in Crime No.238 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, they have eloped and got married and the petitioner has made sexual intercourse with the victim girl.. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offences and he has been falsely implicated in this case. He further submits that the petitioner has been jail from 19.07.2021. He further submits that there was a love affair between the petitioner and the victim girl and performed the marriage at Palani Temple. He further submits that on instructions submit that the petitioner has to file an affidavit of undertaking before the trial Court. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submitted that the statement of 164 Cr.P.C has been recorded , in which, she has not stated any serious allegation against the petitioner. He further submits that the victim girl has been secured. He further submits that the petitioner had taken obscene photo of the victim girl and threatened her. Hence, he vehemently opposed for grant of bail to the petitioner.

5. This Court is of the view that on perusal of the 164 statement, there is no serious allegation made against the petitioner, on her own volition, she went along with the petitioner and got married and the victim girl has been secured and the petitioner had taken obscene photo of the victim girl and threatened her and the petitioner has to file an affidavit of undertaking before the trial Court stating that he take care of the victim girl in future and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain 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 learned Fast Track Mahila Court, Krishnagiri, 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 is directed to file an affidavit of undertaking before the trial Court at the time of furnishing sureties stating that he take care of the victim in future.

(c)the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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 55601; and;



(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-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.

TO

1 THE FAST TRACK
MAHILA COURT, KRISHNAGIRI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
POCHAMPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary charges SR.NO.8771

CRL OP.14257/2021

Date :18/08/2021

TA-19/08/2021