



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.14326 of 2021

1. Kuppusamy
2. Govindammal

...Petitioners

Vs.

The State rep by
The Inspector of Police,
AWPS Police Station,
Bhavani.
(Crime No.12 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail pending investigation in Crime No.12 of 2021 on the file of the respondent police.

For Petitioners : Mr.R.Thirumoorthy

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

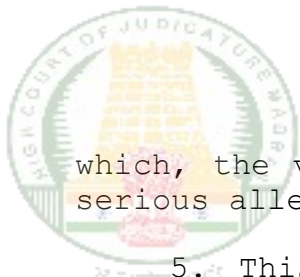
ORDER

The petitioners who were arrested on 19.07.2021 and remanded to judicial custody for the offences under Sections 9, 10 of Prohibition of Child Marriage Act 2006 and under Section 5(1) r/w 6, 17 of Protection of Children from Sexual Offences Act 2012, in Crime No.12 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the first accused had married the minor girl and committed sexual assault to the minor girl. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent person and they have been falsely implicated in this case. Hence he prays for grant of bail to the petitioners.

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, there is no serious allegation made against the petitioners.

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, there is no serious allegation made against the petitioners and the victim girl has been secured and considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of Sessions Magalir Neethi Mandram, (Fast Track Mahila Court), Erode, 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 petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners 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,
MAGALIR NEETHI MANDRAM, (FAST TRACK MAHILA COURT),
ERODE.

2 THE INSPECTOR OF POLICE,
AWPS POLICE STATION,
BHAVANI.

3 THE OFFICER INCHARGE,
SUB JAIL, GOBICHETTIPALYAM,
ERODE DISTRICT.

4 THE SUPERINTENDENT
CENTRAL WOMEN PRISON,
COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.THIRUMOORTHY Advocate on payment of necessary
charges

CRL OP.14326/2021

Date :18/08/2021

CSK 19/08/2021