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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos.14586 & 14690 of 2021

- | | |
|-------------------------------|---|
| 1. R.Elumalai @ Sora Elumalai | ... Petitioner in
Crl.O.P.No.14586 of 2021 |
| 2. Parvatham |Petitioner in
Crl.O.P.No.14690 of 2021 |

Vs.

The State
Rep by The Inspector of Police,
Polur Police Station,
Thiruvannamalai District.
(Crime No.722 of 2021)

... Respondent in both petitions.

PRAYER: Criminal Original Petitions have been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in respect of Crime No.722 of 2021 on the file of the respondent.

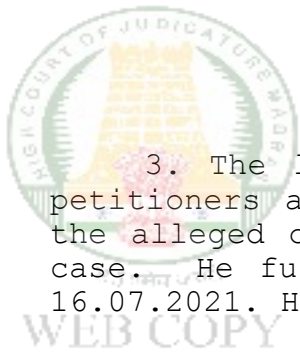
For Petitioners : Mr.S.B.Viswanathan
(in both petitions)

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

ORDER

The petitioners who were arrested on 16.07.2021 and remanded to judicial custody for the offences under Sections 366(A) @ 366(A), 376(3) of IPC, Sections 5(1) and 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 of the Prohibition of Child Marriage Act, 2006, in Crime No.722 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that there was a love affair between A1 and the victim girl, they have eloped and the petitioners have performed the marriage between A1 and the victim girl. Hence, the complaint.



3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they are no way connected with the alleged offences and they have been falsely implicated in this case. He further submits that the petitioners have been jail from 16.07.2021. Hence he prays for grant of bail to the petitioners.

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 petitioners. He further submits that the victim girl has been secured. Hence, the learned Government Advocate has no serious objection to grant bail to the petitioners.

5. This Court is of the view that on perusal of the 164 statement, there is no serious allegation made against the petitioners, on her own volition, she went along with A1 and got married 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 with certain conditions.

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 the learned Judicial Magistrate, Polur, 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.

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-sd/-
24/08/2021

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,
POLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE INSPECTOR OF POLICE,
POLUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S S.B.VISWANATHAN Advocate on payment of necessary charges SR NOS.8997, 8998

CRL.OP.NOS.14586 & 14690 OF 2021

Date :24/08/2021

MK:25/08/2021