



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.15575 of 2021

Rathna

.. Petitioner

Vs.

The State Represented by its,
Inspector of Police,
Mahendramangalam Police Station,
Dharmapuri District.
(Crime No.129 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioner on bail in Crime No.129 of 2021 on the file of the respondent.

For Petitioner : Mr.V.Vasanath

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 19.07.2021 for the offences under Sections 9, 10 of Prohibition of Child Marriage Act, 2006 @ 9, 10,11 of Prohibition of Child Marriage Act, 2006 r/w 5(1), 6 of POCSO Act, 2012 in Crime No.129/2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim girl is aged about 17 years and the petitioner /A2 is the mother of the victim girl. On 26.04.2021, the petitioner/A2 along with others had conducted the marriage of the victim girl with A1 at Pikkanahalli Perumal temple and A1 subjected her to sexual abuse. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner/A2 who is the mother of the victim girl had performed the marriage of her daughter aged about 17 years with A1. He further submits that the petitioner has been in jail from 19.07.2021. The bail petition filed by the petitioner before the Lower Court has been dismissed. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits that the statement of the victim u/s 164(5) Cr.P.C has been recorded. It is the further submission of the learned Government Advocate that the petitioner/mother of the victim girl had performed the marriage of her daughter with A1. Hence, the learned Government Advocate vehemently objected for grant of bail to the petitioner.

5. On a perusal of the statement of the victim, recorded u/s 164(5) Cr.P.C. reveals that the petitioner /mother of the victim girl had performed the marriage of her daughter with A1 at the age of 17 years and in view of the aforesaid factual position and 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 District Mahila Court, Dharmapuri District 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. until further orders;

(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.

WEB COPY

-sd/-
31/08/2021

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 DISTRICT MAHILA COURT,
DHARMAPURI DISTRICT.

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

3 THE OFFICER INCHARGE,
SUB JAIL, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.V.VASANTH Advocate on payment of necessary charges

CRL OP.15575/2021

Date :31/08/2021

INBA 01/09/2021