



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.16196 of 2021

1. Senthil
2. Rajiv Gandhi

... Petitioners

Vs.

State rep by :
The Inspector of Police,
Morappur Police Station,
Dharmapuri District.
(Crime No.80 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.80 of 2021 on the file of the respondent police.

For Petitioners : Mr.C. Prabakaran

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

ORDER

The petitioners who were arrested on 10.08.2021 and remanded to judicial custody for the offences under Section 9, 10 Prohibition of Child Marriage Act ,366 of I.P.C and also under Sections 5(1) and 6(1),7 and 8 of the Protection of Children from Sexual Offences Act, in Crime No.80 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the second petitioner married the victim girl and the first petitioner who is a relative of the victim girl was present in the marriage function. It is alleged that after the marriage the victim girl eloped with one Murthy, who is arrayed as A6 in this Case. Based on the complaint given by the father of the victim girl the case came to be registered.

3. The learned counsel for the petitioners submitted that the marriage was performed with the consent of the victim girl and there are no other allegations levelled against the petitioners. He further submits that the victim girl disagreed to have sexual relationship with the second petitioner. Hence he prays for grant of bail to the



4. The learned Government Advocate would submit that the victim girl was secured and statement of the victim under Section 164 of Cr.P.C has been recorded.

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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 went along with one Murthy/A6 and further, there is no specific overt act attributed against this petitioners and the victim girl has been secured, 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 the learned Judicial Magistrate Court, Harur, 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 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/-

07/09/2021

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 JUDICIAL MAGISTRATE,
HARUR, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
DHARMAPURI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MORAPPUR POLICE STATION,
DHARMAPURI DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, DHARMAPURI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. C.PRABAKARAN Advocate on payment of necessary
charges SR.NO.9634

CRL OP.16196/2021

Date :07/09/2021

CSK 08/09/2021