



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.18076 of 2021

Kulandaivel

... Petitioner

Vs.

The State rep by its
The Inspector of Police,
Tiruppur South Police Station,
Tiruppur District.
(Crime No.1545 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.1545 of 2021 on the file of the respondent police.

For Petitioner : Mr.C.S. Saravanan

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

ORDER

The petitioner who was arrested on 11.08.2021 and remanded to judicial custody for the offences under Section 366(A) of IPC, r/w 5(1) r/w 6 of Protection of Children from Sexual Offence Act(POCSO) Act, 2012 r/w Section 9 of Child Marriage Act, 2006, in Crime No.1545 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had kidnapped the victim girl and married her and also sexually assaulted her. Based on the complaint given by the father of the victim girl, the case has been registered against the petitioner.

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 in jail from 11.08.2021. He further submits that the victim girl and the petitioner are lovers and they got married and living happily. 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. Hence, the learned Government Advocate has no serious objection to grant 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 married her and further 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 Magalir Neethimandram (Fast Track Mahila Court), Tiruppur 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.

-sd/-

07/10/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



1 THE MAGALIR NEETHIMANDRAM
(FAST TRACK MAHILA COURT), TIRUPPUR.

2 THE INSPECTOR OF POLICE,
TIRUPPUR SOUTH POLICE STATION,
TIRUPPUR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. C.S.SARAVANAN Advocate on payment of necessary
charges

CRL OP.18076/2021

Date :07/10/2021

CSK 08/10/2021