



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.18267 of 2021

Sakthivel

... Petitioner

Vs.

State rep. by:
Inspector of Police,
All Women Police Station,
Pennagaram,
Dharmapuri District.
(Cr.No.5 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail pending investigation in connection with Crime No.5 of 2021 on the file of the Inspector of Police, All Women Police Station, Pennagaram, Dharmapuri District.

For Petitioner : Mr.J.Karthikeyan

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

ORDER

The petitioner who surrendered before the learned Judicial Magistrate, Pennagaram on 06.08.2021 and remanded to judicial custody for the offence under Sections 366 IPC altered to Sections 363, 366 of IPC and 5(I)(ii) r/w 6(1) of POCSO Act in Crime No.5 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the defacto complainant lodged the complaint that his minor daughter did not return from School and when he enquired his relatives and surroundings, he came to know that the petitioner had taken her in a two wheeler.

3.The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl are lovers and the victim girl on her own volition went along with the petitioner. He further submitted that the victim girl attained majority on 24.05.2021 and thereafter they performed marriage at Vinayagar Temple in Moolakkadu. The learned counsel further submitted that the petitioner has filed an affidavit dated 11.10.2021 stating that he is ready to register



the marriage with the Registrar of Marriages at Pennagaram Sub Registrar immediately after he was enlarged on bail.

4.The learned Government Advocate (Crl. Side) submitted that the victim girl is now six months pregnant.

5.This Court perused the statement of the victim girl recorded under Section 164 of Cr.P.C., which reveals that the victim girl on her own volition went along with the petitioner and performed marriage. This Court also perused the affidavit filed by the petitioner. Hence, I am inclined to grant bail to the petitioner.

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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Fast Track 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. for a period of two weeks and thereafter as and when required for interrogation;

(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 petitioners 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/-
22/10/2021

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

TRUE COPY



1 THE FAST TRACK MAHILA COURT,
DHARMAPURI DISTRICT.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PENNAGARAM, DHARMAPURI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, DHARMAPURI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.J.KARTHIKEYAN Advocate on payment of necessary
charges

CRL OP.18267/2021

Date :22/10/2021

CSK 22/10/2021