



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.18216 of 2021

Saravanan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Gangavalli Police Station,
Salem District.
(Cr.No.224 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to release the petitioner on bail in Crime No.224 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.T.Velu

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1. Side)

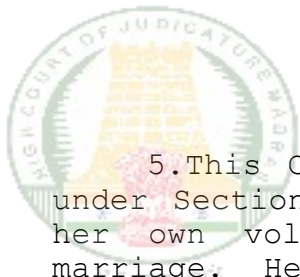
ORDER

The petitioner who was remanded to judicial custody on 27.09.2021 for the offence under Sections 363 and 366 of I.P.C. altered to Section 9 of Child Marriage Act in Crime No.224 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner is alleged to have kidnapped the defacto complainant's minor daughter.

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 and performed marriage.

4.Heard the submissions made by the learned Government Advocate (Cr1. Side).



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. 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 Judicial Magistrate - II at Attur 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/-
07/10/2021

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,
NO.II, ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
GANGAVALLI POLICE STATION,
SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.T.VELU Advocate on payment of necessary charges
SR.NO.11220

CRL OP.18216/2021

Date :07/10/2021

JPA 08/10/2021