



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.18214 of 2021

Dhurai

... Petitioner/A1

Vs.

The State Rep.by
Inspector of Police,
All Women Police Station,
Dharmapuri,
Dharmapuri District.
(Crime No.13/2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to grant bail to the petitioner pending investigation in Crime No.13 of 2021 on the file of the respondent police.

For Petitioner : Mr.Sundarapandiyan

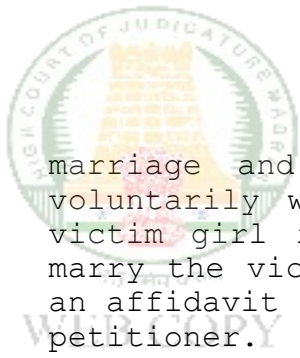
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 04.09.2021 and remanded to judicial custody for the offences under Sections 363, 366 IPC and 5(1) r/w 6 POCSO Act 2012 in Crime No.13 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the date of occurrence, the petitioner/A1 has kidnapped the victim girl. Based on the complaint given by the mother of the victim girl, the law enforcing agency registered a case 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 and the petitioner has been jail from 14.09.2021. He further submits that the mother of the victim girl arranged marriage for her with her relative son and the victim girl was not interested in the said



marriage and the same was informed to the petitioner and she voluntarily went out from the home. He further submits that the victim girl is aged about 17 years and the petitioner is ready to marry the victim girl, after completion of 18 years and he has filed an affidavit to that effect. 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, the victim girl stated that on her own volition, she went along with the petitioner and had a sexual relationship with the defacto complainant. That apart she has also stated that there is no 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 the petitioner is ready to marry the victim girl after the completion of 18 years and he also filed an affidavit to that effect and also considering the fact that the victim girl has been secured 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 Fast Track Mahila Court, Dharmapuri, 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/-
20/10/2021

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 FAST TRACK MAHILA COURT
DHARMAPURI.

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

3 THE OFFICER INCHARGE,
DHARMAPURI DISTRICT JAIL, DHARMAPURI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.B.SUNDARAPANDIYAN Advocate on payment of necessary charges SR.NO.11495

CRL OP.18214/2021

Date :20/10/2021

JPA 21/10/2021