



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.18399 of 2021

Sukumar

... Petitioner

Vs.

The State rep by its
The Inspector of Police,
All women Police Station, Kangayam,
Tiruppur District

... 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.7 of 2021 on the file of the respondent police.

For Petitioner : Mr.R. Prabakar

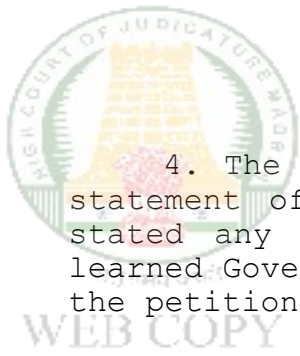
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 05.09.2021 and remanded to judicial custody for the offences under Sections 5(j)(ii) r/w 6 of POCSO Act 2012 and Sec 9 of Prohibition of Child Marriage Act 2006, in Crime No.7 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim girl and the petitioner were lovers and the marriage was performed by the consent of the elders. Subsequently the victim girl became pregnant and when she went to hospital for delivering the child, the hospital authorities found that the girl was only 17 years old. Based on the complaint given by the hospital authorities the case came to be registered.

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 jail from 05.09.2021. 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. 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, the marriage between the petitioner and the victim girl was performed with the consent of elders and there is no serious allegation against the petitioner 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 Magalir Neethimandram, 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/-

08/10/2021

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

WEB COPY

1 THE MAGALIR NEETHIMANDRAM,
TIRUPPUR

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANGAYAM, TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.PRABAKAR Advocate on payment of necessary charges
SR.No.11244

CRL OP.18399/2021

Date :08/10/2021

APN 08/10/2021