



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.18397 of 2021

K.Vediyappan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Kottapatti Police Station,
Dharmapuri District.
(Cr.No.198 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail pending investigation in Crime No.198 of 2021 on the file of the respondent Police.

For Petitioner : Mr.V.Gunasekar

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

O R D E R

The petitioner who was arrested on 24.08.2021 and remanded to judicial custody for the offence under Sections 363, 366 of IPC r/w.5 (1) and 6 of POCSO Act and Section 9 of Prohibition of Child Marriage Act in Crime No.198 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. The learned counsel further submitted that the petitioner's mother has filed an affidavit dated 21.10.2021 stating that they are taking steps to conduct marriage for them once they attain majority and that her son is always ready to marry the defacto complainant's daughter.

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

<https://hcservices.ecourts.gov.in/hcservices/>



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. This Court also perused the affidavit filed by the petitioner's mother. 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 Sessions Judge, 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. 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

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
DHARMAPURI.

2 THE INSPECTOR OF POLICE,
KOTTAPATTI POLICE STATION,
DHARMAPURI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, DHARMAPURI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.V.GUNASEKAR Advocate on payment of necessary charges

CRL OP.18397/2021

Date :22/10/2021

CSK 22/10/2021