



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.18929 of 2021

S. Vallarasu

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Maruvathur Police Station,
Perambalur District.
(Cr.No.90 of 2021)

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

For Petitioner : Mr.M.Vijaya Ragavan

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

ORDER

The petitioner who was arrested on 11.08.2021 and remanded to judicial custody for the alleged offence under Sections 9 and 10 of Prohibition of Child Marriage Act 2006 and Section 5(j)(ii) r/w 6 of Protection of Child from Sexual Offences Act 2012 altered to Sections 9 and 10 of Prohibition of Child Marriage Act 2006 and Section 5(i), 5(j)(ii) r/w 6 of Protection of Child from Sexual Offences Act 2012 and in Crime No.90 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein married a victim girl and thereafter she became pregnant. Thereafter, when the victim girl went to hospital for treatment she requested the hospital authorities to taken action against the petitioner. Based on the complaint given by the Rural Welfare Officer, the case came to be registered.



3. The learned counsel for the petitioner would submit that already this Court granted Anticipatory bail to the petitioner in Crl.O.P.No.9288 of 2021 vide order dated 28.06.2021 since the petitioner failed to execute the sureties, he was arrested and remanded to judicial custody on 11.08.2021. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent did not dispute the facts submitted by the learned counsel for the petitioner.

5. Considering the period of incarceration suffered by the petitioner and already this Court had granted anticipatory bail to the petitioner, since the petitioner failed to execute the sureties he was arrested and remanded to judicial custody, 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 Sessions Judge, Mahila Court, Perambalur 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.

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-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 SESSIONS JUDGE
MAHILA COURT, PERAMBALUR

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MARUVATHUR POLICE STATION,
PERAMBALUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

+1 CC to M/S M.VIJAYA RAGAVAN Advocate on payment of necessary charges SR.No.11159

CRL OP.18929/2021

Date :07/10/2021

APN 08/10/2021