



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.19198 of 2021

Chinnadurai

... Petitioner

Vs.

State, Rep by
The Sub Inspector of Police,
All Women Police Station,
Rasipuram, Namakkal District.
(Crime No.11 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.11 of 2021 on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

The petitioner who was arrested on 09.09.2021 and remanded to judicial custody for the offences under Section 9 of Prohibition of Child Marriage Act 2006 and 5(j) (ii) r/w.6 of POCSO Act 2012 in Crime No.11 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the maternal uncle and husband of the victim minor girl and their marriage was solemnized on 17.09.2020. When the victim girl had gone to the hospital for delivery, the hospital authority came to understand that the victim was only 17 years old and thereby a complaint was given by the hospital authority. Based on the complaint, the law enforcing agency registered a case against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he is no way connected with the alleged offence. He further submits that the petitioner was arrested and suffering incarceration from 09.09.2021. He further submits that the



marriage was performed by the elders of the family and it was an arranged marriage and they have been blessed with a male child. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the elders in the family had performed the marriage between the petitioner and the victim minor girl. A statement recorded from the victim girl by the law enforcing agency states the elders only have arranged for the marriage between the petitioner and the victim girl and they have blessed with a male child. That apart, 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. On considering the fact and on a perusal of the FIR, this Court is of the view that there is no serious allegations as 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 the learned Sessions (Fast Track Mahila) Judge, Namakkal, 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/-
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 SESSIONS (FAST TRACK MAHILA) JUDGE,
NAMAKKAL.

2 THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RASIPURAM, NAMAKKAL DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.11487

CRL OP.19198/2021

Date :20/10/2021

JPA 21/10/2021