



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.20283 of 2021

WEB COPY

Munirathinam

... Petitioner

Vs.

State : Inspector of Police,
Karimangalam Police Station,
Dharumapuri District.
(Crime No.520 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.520 of 2021 pending on the file of the Inspector of Police, Karimangalam Police Station, Dharumapuri District.

For Petitioner : M/S.M.P.Saravanan

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

ORDER

The petitioner who was arrested on 08.10.2021 and remanded to judicial custody for the offences under Section Girl Missing @ 363, 366 of IPC r/w 4(1) of POCSO Act 2012 and Section 9 of Prevention of Child Marriage Act 2006 in Crime No.520 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the the victim girl is aged 16 years and is studying 12th standard in and the petitioner had got acquaintance with the victim girl through face book and on 04.10.2021, the petitioner had kidnapped the victim girl and had performed marriage with her and then took her to Kerala and stayed there and the petitioner had forcibly sexual intercourse with the victim girl. Hence,the complaint.

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 08.10.2021. He further submits that the victim girl is aged about 16 years and the petitioner is ready to marry the victim girl, after completion of 18 years . 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 married him and had a sexual relationship. He further submits that the victim girl has been secured.

5. This Court is of the view that on perusal of the 164 statement, reveals that 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 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 Sessions Judge, Fast Track Mahila Court 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/-
01/11/2021

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,
FAST TRACK MAHILA COURT,
DHARUMAPURI.

2 THE INSPECTOR OF POLICE,
KARIMANGALAM POLICE STATION,
DHARUMAPURI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S. M.P.SARAVANAN Advocate on payment of necessary charges

CRL OP.20283/2021

Date :01/11/2021

INBA-08/11/2021