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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.20559 of 2021

R.Suriya

... Petitioner

Vs.

State by
Inspector of Police,
Tiruppur north Police Station,
Tiruppur District.
(Crime No.1786 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail pending investigation in Crime No.1786 of 2021 on the file of the Respondent Police.

For Petitioner : M/S.S.P.Meenakshi Sundharam

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

ORDER

The petitioner who was arrested on 04.09.2021 and remanded to judicial custody for the offences under Sections 363 of IPC 5(1) r/w of POCSO Act in Crime No.1786 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner eloped with the victim girl who is aged about 16 years and had sexual relationship with her, 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 14.09.2021. 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 and the defacto complainant and the father of the petitioner has filed an affidavit to that effect. 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. That apart she has not stated any serious allegation against the petitioner. He further submits that the parents of the victim girl and the petitioner have agreed to perform marriage between the petitioner and the victim girl after, she attaining majority.

5. This Court is of the view that on perusal of the 164 statement, there is no serious allegation made against the petitioner, 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 parents of the victim girl and the petitioner have agreed to conduct marriage between them 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 Judicial Magistrate Court -I, 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.

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-sd/-

02/11/2021

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 JUDICIAL MAGISTRATE,
NO.I, TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
TIRUPPUR NORTH POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

+1 CC to M/S. S.P.MEENAKSHI SUNDHARAM Advocate on payment of necessary charges SR.No.12337

CRL OP.20559/2021

Date :02/11/2021

APN 02/11/2021