



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.20717 of 2021

Velmurugan

... Petitioner

Vs.

The State Rep. By
The Inspector of Police
All Women Police Station
Kangayam
Tirupur District
Crime No.9 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.9 of 2021 on the file of the respondent police.

For Petitioner : Mr.Deepan Uday

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 13.10.2021 for the offences under Section 5(1) and 6 of POCSO Act 2012 and Section 9 of Prohibition of Child Marriage Act, 2006 in Crime No.9 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is a Rural Welfare Officer and on secret information, he came to know that the petitioner had married a girl who is a minor. Subsequently, the petitioner was arrested and the victim minor girl was secured from the petitioner's house.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would submit that there was a love affair between the petitioner and the victim girl and he has been falsely implicated in this case. He would also submit that the petitioner is aged only 19 years and he has been suffering incarceration for more than 25 days from 13.10.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate would submit that the statement of the victim girl has been recorded under Section 164 Cr.P.C. and the investigation is almost completed. However, he raised objection for grant of bail.

5. Considering the age of the petitioner and the period of incarceration suffered by him, 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 Mahila Court, 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 on every Friday 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/-
11/11/2021

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 MAHILA COURT,
TIRUPPUR.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANGAYAM, TIRUPUR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.20717/2021

Date :11/11/2021

JPA 12/11/2021