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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2021

CORAM:

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

Cr1.O.P.No.21099 of 2021

Siranjeevi

... Petitioner/Accused

Vs.

State Rep by,
The Inspector of Police,
Pudupalayam Police Station,
Tiruvannamalai District,
(Crime No.282 of 2021)

... Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime.No.282 of 2021 on the file of the Inspector of Police, Pudupalayam Police Station, Tiruvannamalai District.

For Petitioner : M/S.M.Mariappan

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 16.09.2021 for the offences under Section 366(A) of IPC and thereafter it was altered and thereafter FIR was altered in to for an alleged offence under Section 366, 376(1) of IPC and Section 5 (1), 6 of POSCO Act 2012 and Section 9 of Child Marriage Act in Crime No.282 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was in love with the defacto complainant's daughter and the petitioner is alleged to have abducted the victim girl and married her and had sexual relationship thereafter, the victim girl was left to her parents. Thereby, the defacto complainant, who is the father of the victim girl lodged a complaint against the petitioner.



3. The learned Counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he have been falsely implicated in this case. He further submits that the victim girl on her own volition have eloped with the petitioner and got married and that the petitioner has been suffering incarceration for more than 55 days from 16.09.2021. Hence, he prays for grant of bail to the petitioner.

3. The learned Government Advocate submits that the victim minor girl was abducted by the petitioner on false promise and married the minor girl. He further submits that the Statement of the victim girl has also been recorded under Section 164 Cr.P.C. shows that the investigation is almost completed. He furthermore submits that the petitioner is in judicial custody for 55 days and now, the victim girl is under the custody of her parents and sustained no injuries. However, he strongly raised objections for grant of bail to the petitioner.

4. On perusal of statement of the victim girl recorded under Section 164 Cr.P.C. reveals that the victim girl had sustained no injuries and she is now under the custody of her parents and that the investigation is almost completed in this case.

5. Considering all those facts and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner on 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 Special Court for Exclusive Trial of Cases under POSCO Act, 2012, Tiruvannamalai** and on further conditions 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 once in a week daily at 10.30 a.m. until further orders and **the petitioner should not have any communication with the victim girl.**

(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;

(f) 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 the provisions of the Cr.P.C. 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;

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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

10/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL COURT FOR EXCLUSIVE
TRIAL OF CASES UNDER POSCO ACT, 2012
TIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
PUDUPALAYAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S.M.MARIAPPAN Advocate on payment of necessary
charges SR.NO.12579

CRL OP.21099/2021

Date :10/11/2021

TA-10/11/2021