



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2021

CORAM:

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

Cr1.O.P.No.21334 of 2021

Perumal

... Petitioner

Vs.

The State rep. by
Inspector of Police
Latteri Police Vellore
Vellore District
(Crime No.262 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.262 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Sathish Kumar

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 28.09.2021 for the offences under Section 6 of POCSO Act 2012 read with Section 9 of Prohibition of Child Marriage Act, 2006 in Crime No.262 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 27.08.2021, the petitioner herein had married the victim girl who is aged about 16 years and had physical relationship. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that the petitioner was not aware of the age of the victim and the marriage was arranged and solemnized by the parents of the victim and now due to family dispute, a false case has been foisted against the petitioner and that the petitioner has been suffering incarceration for about 50 days from 28.09.2021. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate raised objection stating that the petitioner married the minor victim girl and had physical relationship with her. He would further submit that the grandmother of the victim who arranged the marriage is arrayed as A2 and she has been released on bail by this Court and that the statement of the victim has been recorded under Section 164 Cr.P.C.

5. Considering the fact that the investigation is almost completed and A2 has been granted bail by this Court and also considering the period of incarceration undergone 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, Katpadi, Vellore, Vellore District, 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, every Friday at 10.30 a.m. until further orders. The petitioner shall not disturb the victim girl if she is not interested.

(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/-

16/11/2021

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,
KATPADI, VELLORE, VELLORE DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
LATTERI POLICE VELLORE,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON,
VELLORE, VELLORE DISTRICT

+1 CC to M/S. M.SATHISH KUMAR Advocate on payment of necessary charges SR.No.12818

CRL OP.21334/2021

Date :16/11/2021

APN 17/11/2021