



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2021

CORAM:

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

Crl.O.P.No.21365 of 2021

Kumari

... Petitioner

Vs.

State by
The Inspector of Police
Latheri Police Station,
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 concerned in Crime No.262 of 2021 on the file of the Inspector of Police, Latheri Police Station, Vellore District.

For Petitioner : Mr.S.Silambuselvan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.side)

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, r/w Section 9 of Prohibition of Child Marriage Act in Crime No.262 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, who is the grandmother of the minor girl aged 15 years, is alleged to have performed child marriage by compelling her to marry an adult person aged 31 years, which has resulted in the alleged offence of aggravated penetrative sexual assault against the above child/victim. Further, the victim girl on approaching the Child Helpline on her own effort, under the intervention of Child Help Line, a complaint was lodged by the Development Officer, Social Welfare Department, Katpadi.



3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. The petitioner is the grand mother of the victim girl and she has been falsely implicated in this case. He would further submit that the petitioner is a cancer patient and the victim girl has been under the care and custody of the petitioner since the victim girl's father is a drunkard and further, the petitioner has been suffering incarceration for more than 47 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 investigation in this case is still pending and further in the statement recorded under Section 164 Cr.P.C, of the victim girl, she has stated that the petitioner herein has compelled her to marry A1, the main accused herein.

5. Considering the facts and circumstances of the case and the period of incarceration undergone by the petitioner and also taking note of the fact that the petitioner is a cancer patient, 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-I, Vellore, 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, as and when required for interrogation.

(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.

-sd/-

15/11/2021

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, VELLORE

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
LATHERI POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
VELLORE

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

CRL OP.21365/2021

Date :15/11/2021

RVR 15/11/2021