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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2021

CORAM:

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

Cr1.O.P.No.21600 of 2021

E.Karthi

... petitioner

Vs.

The State
rep by The Inspector of Police,
Chengam Police Station,
Thiruvannamalai District.
Crime No.709 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 respect of Crime No.709 of 2021 on the file of Chengam Police Station. Thiruvannamalai District pending investigation.

For petitioner : Mr.S.B.Viswanathan

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

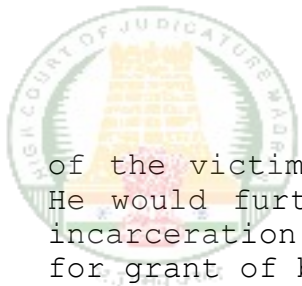
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 27.09.2021 for the offences under Section 376(2)(n) of IPC, Sections 5(1) and 6 of the Protection of Children from Sexual Offences Act and Sections 9 and 10 of Child Marriage Act, in Crime No.709 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner married the victim girl aged 17 years and committed penetrative sexual assault on her. Hence the complaint.

2. The learned Counsel for the petitioner submitted that the petitioner had love affair with the victim girl for about 3 years. While so, the parents of the victim girl attempted to arranged marriage with another boy and thereby, the victim girl came out of her home and married the petitioner. Now on the instigation of the parents



of the victim, a false case has been foisted against the petitioner. He would further submit that the petitioner has been suffering from incarceration for more than 52 days from 27.09.2021. Hence, he seeks for grant of bail to the petitioner.

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4. The learned Government Advocate raised strong objection stating that the victim girl is a minor however, he would admit that the victim and the petitioner had fell in love with each other. He would further submit that the statement of the victim girl has been recorded under Section 164 Cr.P.C. and the investigation is almost completed.

5. Considering the fact that the investigation is almost completed and the statement of the victim girl has been recorded under Section 164 Cr.P.C. 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, Polur, 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.

(c) the petitioner shall not tamper with evidence or witness during trial;

(d) the petitioner shall not abscond during 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/-
18/11/2021

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,
POLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
CHENGAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.B.VISWANATHAN Advocate on payment of necessary charges SR.NO.12967

CRL OP.21600/2021

Date :18/11/2021

JPA 18/11/2021