



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM:

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

Crl.O.P.No.22710 of 2021

D.Ananthababu

...Petitioner

Vs.

State Represented by;
The Inspector of Police
All Women Police Station,
Cuddalore.
Crime No.12 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.12 of 2021 on the file of the respondent police.

For Petitioner : M/s.S.Thankira

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 07.11.2021 for the (*) offences under Sections 7 and 8 of Protection of Children from Sexual Offences Act 2012 and Sections 9 and 10 of Prohibition of Child Marriage Act 2006 and Section 366 of IPC, in Crime No.12 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de facto complainant is the mother of the victim girl who is aged about 16 years. The petitioner kidnapped and married the minor victim girl. Hence, the complaint.



3.The learned counsel for the petitioner would submit that out of love affair, the victim eloped with the petitioner and married him and since, the victim is a minor, the petitioner has been falsely implicated in this case based on the complaint given by the defacto complainant. He would further submit that the parents of the petitioner and the mother of the victim girl have consented to perform marriage between the petitioner and the victim girl soon after the victim girl attains majority and to that effect they all have filed separate affidavits dated 09.12.2021, 9.12.2021 and 11.12.2021 respectively. He would further submit that the petitioner has been suffering incarceration for more than 55 days from 07.11.2021 and hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise objection but admits that the statement of the victim has been recorded under Section 164 Cr.P.C. and that the investigation is almost completed.

5.It is seen that the petitioner, the parents of the petitioner and the mother of the victim have given consent by way of filing affidavits to preform marriage between the petitioner and the victim girl soon after the victim girl attains majority. The affidavits filed by the petitioner, his parents and the mother of the victim girl dated 09.12.2021, 9.12.2021 and 11.12.2021 respectively shall form part and parcel of this order

6. Further, considering the fact that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions;

7. 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 Additional Mahila Court, Cuddalore**, 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 on every Saturday at 10.30 a.m. until further orders.

(c) The petitioner and his parents and the mother of the victim girl shall adhere and comply with the terms of the affidavit.



(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) 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 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;

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

-sd/-
15/12/2021

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.

[*] Amended as per order of this Court dated 15/12/2021 made in CRL.MP.NO.13044 OF 2021 IN CRL.O.P.No.22710 OF 2021

TO

1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
CUDDALORE.



5 THE OFFICER INCHARGE
SUB JAIL, VILLUPURAM.

+1 CC to M/S.S.THANKIRA Advocate on payment of necessary
charges SR.NO.14809

CRL OP.22710/2021

Date :15/12/2021

TA-16/12/2021