



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2021

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CORAM:

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

Crl.O.P.No.23018 of 2021

1.Ramachandran
2.Vengadesh

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Arumbavur Police Station,
Perambalur District.
(Crime No.157 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.157 of 2021 on the file of the respondent police.

For Petitioners : Mr.M.Vijaya Ragavan

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

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 06.10.2021 for the offences under Sections 366, 366(A) of I.P.C & 5(1) r/w 6 of POCSO Act, 2012 & Section 9 & 10 of Child Marriage Act, in Crime No.157 of 2021, on the file of the respondent police seek bail.

2. The case of the prosecution is that there was a love affair between the 1st accused and the minor victim girl aged about 17 years. Subsequently, the 1st accused with the help of the petitioners, kidnapped the victim girl and married her. Hence the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are arrayed as A2 & A3 and they have been falsely implicated in this case since they happen to be the friends of A1 and that the petitioners have been suffering incarceration for more than 50 days from 06.10.2021. Hence, he seeks for grant of bail to the petitioners.



4. The learned Government Advocate raised objection stating that A1 with the help of these petitioners taken the victim girl and tied Thali. He would further submit that the victim girl has been secured and handed over to her parents and the statement of the victim girl has also been recorded under Section 164 Cr.P.C. and that the the investigation is almost completed.

5. Considering the fact that the victim girl has been secured and handed over to her parents and the investigation is almost completed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds 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 Sessions Judge, Mahila Court, Perambalur, 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 petitioners shall report before the respondent police every Tuesday and Sunday at 10.30 a.m. until further orders.

(c) The petitioners shall not disturb the victim girl and her family members and shall not have any communication with them till the dispute is solved.

(d) After commencement of trial, the petitioners shall co-operate for the trial;

(e) the petitioners shall not tamper with evidence or witness either during investigation of trial ;

(f) the petitioners shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;



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

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-sd/-
01/12/2021

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.

TO

1 THE SESSIONS JUDGE,
MAHILA COURT, PERAMBALUR.

2 THE INSPECTOR OF POLICE,
ARUMBAVUR POLICE STATION,
PERAMBALUR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.23018/2021

Date :01/12/2021

CSK 02/11/2021