



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2021

CORAM:

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

Crl.O.P.No.23766 of 2021

Babu

...Petitioner

Vs.

The State rep. By its
The Inspector of Police,
Omerabad Police Station,
Thirupathur District.
Crime No.529 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail Crime No.529 of 2021 on the file of Inspector of Police, Omerabad Police Station, Thirupathur District.

For Petitioner : M/s.S.Sasikumar

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 02.10.2021 for the offences under Sections 5 (1), 6 of POCSO Act 2012 and Section 9 of Prohibition of Child Marriage Act in Crime No.529 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the the petitioner is a married man and the victim minor girl is the sister of the petitioner's wife and she is aged about 16 years. It is alleged that petitioner performed second marriage with the victim minor girl and made her pregnant and thereafter she begotten a male child. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the marriage was performed with the consent of the victim girl and other family members and they were living under



the same roof as a joint family. He further submits that the petitioner has been suffering incarceration from 02.10.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent raised his objection stating that petitioner performed second marriage with the victim minor girl and made her pregnant and thereafter she begotten a male child. He further submits that the investigation completed. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the fact and circumstances of the case and also considering that the petitioner is ready to take care of both the wives and also considering the welfare of the children, this Court is inclined to grant bail to the petitioner.

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 Special Judge for Exclusive Trial of Case Under POCSO Act, 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 is directed to appear before the respondent police on every Saturday at 10.30 a.m until further orders;

(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/-

09/12/2021

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 SPECIAL JUDGE FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
VELLORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE INSPECTOR OF POLICE,
OMERABAD POLICE STATION,
THIRUPATHUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.SASIKUMAR Advocate on payment of necessary
charges SR.NO.14369

CRL OP.23766/2021

Date :09/12/2021

RW 09/12/2021