



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM:

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

Crl.O.P.No.23860 of 2021

Viswanathan

... Petitioner

Vs.

The State rep. by
The Inspector of Police
All Women Police Station,
Tiruchengode, Namakkal District.
(Crime No.23 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.23 of 2021 on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

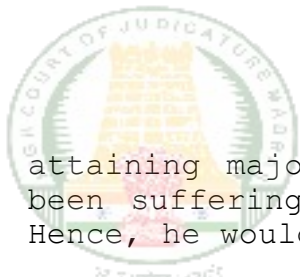
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 24.09.2021 for the offences under Sections 366 of IPC and Section 9 of Prohibition of Child Marriage Act, 2006 and Section 5 (1) of POCSO Act, 2012, in Crime No.23 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had committed Child Marriage and Aggravated penetrative Sexual Assault on the victim girl. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he was falsely implicated in this case and he further submits that petitioner is ready to marry the victim girl after she



attaining majority. He would further submit that the petitioner has been suffering incarceration for more than 80 days from 24.09.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise strong objection stating that the investigation was almost completed and statement under Section 164 of Cr.P.C is recorded and he further submits that the mother of the victim girl has refused to accept the marriage between them.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and that the investigation was almost completed, 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 Sessions Judge, Fast Track Mahila Court, Namakkal, 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 Tuesday and Sunday at 10.30 p.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.

WEB COPY

-sd/-
20/12/2021

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
FAST TRACK MAHILA COURT, NAMAKKAL.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUCHENGODE, NAMAKKAL DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.23860/2021

Date :20/12/2021

JPA 21/12/2021