



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2021

CORAM:

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

Cr1.O.P.No.23938 of 2021

Raja

.. Petitioner

Vs.

State rep. by its
The Inspector of Police,
Thiruchengode AWPS,
Namakkal District.
(Crime No.19 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.19 of 2021, on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

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

O R D E R

The petitioner who were arrested and remanded to judicial custody on 12.11.2021 for the offences under Sections 366 IPC, 5(1), 5(j)(ii) r/w 6 of POCSO Act 2012 and 9 of Prohibition of Child Marriage Act, 2006 in Crime No.19 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that initially complaint has been filed by the defacto complainant as her daughter was missing from 25.08.2021, when she returned from her work. Thereafter, on investigation 11.11.2021, the respondent found the victim girl and investigation reveals the petitioner married the victim girl and sexual relationship with her, on statement of the girl, the petitioner was arrayed as accused. 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. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) raised objection stating that 164 statement was recorded, the victim girl is now 5 months pregnancy, investigation almost completed and the boy also ready to maintain the girl and the child. However, he vehemently opposed to grant bail to the petitioner.

5. Considering all these facts, 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 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 Judicial Magistrate, Kumarapalayam, 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 and Sunday at 10.30 a.m. for the period of six months and thereafter as and when requires for interrogation and the petitioner shall appear before the trial Court regularly;

(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.

-sd/-

10/12/2021

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.



1 THE JUDICIAL MAGISTRATE,
KUMARAPALAYAM, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE INSPECTOR OF POLICE,
THIRUCHENGODE ALL WOMEN POLICE STATION,
NAMAKKAL DISTRICT .

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.NO.14493

CRL OP.23938/2021

Date :10/12/2021

RW 10/12/2021