



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM:

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

Cr1.O.P.No.24086 of 2021

Periyannan

... Petitioner

Vs.

The State Rep.by
The Inspector of Police,
Krishnapuram Police Station,
Dharmapuri District.
(Crime No.1024 of 2020)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail concerned in crime No.1024 of 2020 on the file of the Inspector of police, Krishnapuram Police Station, Dharmapuri District.

For Petitioner : Mr.C.Prabakaran

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 20.11.2021 for the offences under Sections 363, 366 of IPC, 5(1), r/w 6, 16, 17 of POCSO Act, 2012 and Section 9, 10 of Prohibition of Child Marriage Act 2006 in Crime No.1024 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that defacto complainant lodged a complaint before the respondent police stated that victim girl is aged 17 years and completed 11th standard and there is love affair between A1 and the victim girl and on 06.12.2020 at 10.00a.m, A1 kidnapped the victim girl in a cycle to Periyampatti bus stop wherein this petitioner/A2 Periyannan was also present and then A1 took the victim girl by bus to Salem, Chinnathirupathi temple along with the petitioner /A2 tied thali and conducted child marriage with the victim girl and then A1 took her to Tiruppur in a bus and had forcible sexual intercourse with victim girl and got pregnant and had delivered one child. Hence the complaint.



3. The learned counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that based on the confession statement given by the A1, the petitioner was arrested and remanded on judicial custody and he is friend of A1 and helped for their marriage. He further submits that the petitioner has been suffering incarceration for more than 20 days from 20.11.2021. Hence, he prays for grant of bail.

4. The learned Government Advocate submits that there was no previous cases as against the petitioner and the the statement of the victim girl under Section 164 of Cr.P.C also recorded.

5. Considering the facts and circumstances of case and also considering the period of incarceration suffered by the petitioner and there is no serious allegations levelled against the petitioner, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on their executing a bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Dharmapuri, and on further condition 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 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/-
13/12/2021

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, DHARMAPURI.

2 THE INSPECTOR OF POLICE,
KRISHNAPURAM POLICE STATION,
DHARMAPURI DISTRICT

3 THE OFFICER INCHARGE,
SUB-JAIL, DHARMAPURI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S C.PRABAKARAN Advocate on payment of necessary charges SR.NO.14628

CRL OP.24086/2021

Date :13/12/2021

JPA 14/12/2021