



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.24461 of 2021

Dinesh

... Petitioner

Vs.

The State rep. by
The Inspector of Police
All Women Police Station,
Thiruppathur,
Thiurppathur District.
(Crime No.13 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.13 of 2021 on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 08.11.2021 for the offences under Sections 11 of protection of Child marriage Act, @ Section 4, 5(j)(ii) r/w 6 of protection of Children from Sexual offence Act, and 9 & 11 of protection of child Marriage Act, in Crime No.13 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.09.2021 de facto complainant/Social welfare officer lodged a complaint before the respondent police, based on the said complaint, the respondent police conducted an enquiry, they found that on 26.07.2021 the petitioner and the victim girl got married and living together as husband and wife and she become pregnant. At the time of delivery, the hospital authorities came to know that the victim girl is a minor. 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 and victim girl have love affair and they got married and she gave birth to the child on 01.11.2021, at that time of delivery, the hospital authority know about the age of the victim girl and they lodged a complaint. He would further submit that the petitioner has been suffering incarceration for more than 30 days from 08.11.2021. 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 the statement of the Victim girl under Section 164 of Cr.P.C was recorded.

5. A perusal of the 164 Statement reveals the victim girl on her own got married with the petitioner.

6. 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 and the victim girl got married with the petitioner on her own volition hence, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 Judicial Magistrate No.II, Thiruppathur, 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 as and when required for interrogation;

(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;

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

-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 JUDICIAL MAGISTRATE,
NO.II, THIRUPPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPPATHUR, THIRUPPATHUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary charges SR.NO.15134

CRL OP.24461/2021

Date :20/12/2021

JPA 21/12/2021