



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

CORAM:

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

Cr1.O.P.No.24695 of 2021

Prakash

... Petitioner

Vs.

The State rep. by
The Inspector of Police
All Women Police Station,
Namakkal.
(Crime No.14 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.14 of 2021, on the file of the respondent police.

For Petitioner : Mr.K.Jeyamohan

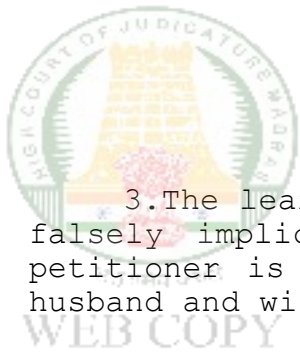
For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 19.11.2021 for the offences under 9 of prohibition of Child marriage Act, 2006, and under Section 6, 5(i), 5(j)(ii) of protection of Child from Sexual Offence Act 2012, in Crime No.14 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 18.11.2021 de facto complainant/Social welfare officer lodged a complaint before the respondent police, based on the complaint respondent police conducted enquiry, found that on 21.08.2020 petitioner and the victim girl got married and is living together as husband and wife. Upon verification of the date of birth of the victim girl, it is found that she is minor, later they came to know that the victim girl got pregnant and the same got aborted. Hence, the complaint.



3.The learned counsel for the petitioner submits that he has been falsely implicated in this case and he further submits that the petitioner is living with the victim girl for the past one year as husband and wife. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that at the time of the alleged occurrence the girl was minor, hence, de facto complainant gave a complaint and he further submits that statement under Section 164 of Cr.P.C is filed before this Court.

5. On perusal of the records it reveals that petitioner and the victim girl already got married, but, the victim girl is a minor at the time of occurrence, now, the petitioner is ready to continue the marital life with her.

6.Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and the statement under Section 164 Cr.P.C is recorded and the investigation is completed , 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 Special 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 is directed to file an affidavit before the trial Court with regard to the marriage of the victim girl with the petitioner;

(c) The petitioner shall appear before the respondent police on every Saturday, at 10.30 a.m. for a period of four weeks until further order;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

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

-sd/-
17/12/2021

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 MAHILA COURT,
NAMAKKAL.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAMAKKAL

3 THE OFFICER INCHARGE,
SUB-JAIL, PARAMATHI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.K.JEYAMOHAN Advocate on payment of necessary charges
SR.NO.15030

CRL OP.24695/2021

Date :17/12/2021

JPA 20/12/2021