



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.24934 of 2021

Raji

...Petitioner

Vs.

The State rep. by
The Inspector of Police
Thirukazhukundram Police Station,
Kanchipuram District.
(Crime No.640 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.640 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.Sujan Kumar

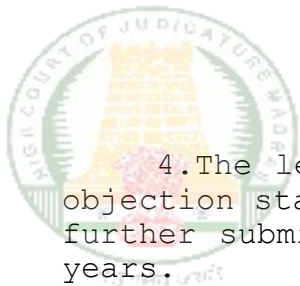
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 29.11.2021 for the offences under Section 9,10,11 of Prohibition of Child Marriage Act, 2006, in Crime No.640 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 lodged a complaint before the respondent police, based on the complaint, the respondent police conducted an enquiry, they found that on 29.11.2021 petitioner got married with the minor victim girl Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner was falsely implicated in this case and he further submits that marriage was arranged with consent of the family members of the victim girl and he further submits that the petitioner filed an affidavit in which he has stated that he 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 20 days from 29.11.2021. 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 is almost completed and he further submits that the victim is 17 years and the petitioner is 34 years.

5. Considering the facts and circumstances of the case and also vast age difference between the petitioner and victim girl, this Court is not inclined to support the affidavit of the petitioner but, at the same time, the marriage was performed with the consent of the all family members and the investigation is 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 District- Munsif-Cum-Judicial Magistrate, Thirukazhukundram, Kanchipuram, 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 wednesday at 10.30 a.m, until further order;

(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/-

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.



1 THE DISTRICT-MUNSIF-CUM-
JUDICIAL MAGISTRATE, THIRUKAZHUKUNDRAM,
KANCHIPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, MADHURANTHAGAM.

4 THE INSPECTOR OF POLICE,
THIRUKAZHUKUNDRAM POLICE STATION,
KANCHIPURAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.K.SUJAN KUMAR Advocate on payment of necessary
charges SR.NO.15141

CRL OP.24934/2021

Date :20/12/2021

RW 21/12/2021