



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM:

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

Cr1.O.P.No.476 of 2022

1. K.Pandiyan
2. J.Kumar

... Petitioners

Vs.

The State
Rep by the Inspector of Police
Polur All Women Police Station,
Thiruvannamalai District.
(Crime No.16 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.16 of 2021, pending investigation on the file of the respondent police.

For Petitioners : Mr.S.B.Viswananthan

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

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 12.12.2021 for the offences under Sections 376(2)(n) of IPC read with Sections 5(1) & 6 of the Protection of Children from Sexual Offences Act and Section 9 of the Child Marriage Act, in Crime No.16 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with others have conducted the marriage between the first petitioner and the victim girl. Further, the first petitioner had married the minor victim girl and sexually assaulted on her. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and a false case has been foisted against them and the petitioners have been suffering incarceration from 12.12.2021. Hence, he would pray for grant of bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submitted that the statement under Section 164 Cr.P.C has been recorded from the victim girl and the victim girl has been secured and the investigation is almost completed. However, he vehemently opposed for grant of bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that as per statement given by the victim girl, stated the she has not interested to marry the first petitioner and the victim girl has been secured and the investigation is almost completed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

(a) Accordingly, the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioners have been confined and thereafter on their release;

(b) each of the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the Judicial Magistrate, Polur,, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioners shall report before the respondent police on every Tuesday at 10.30 a.m. until further orders.

(e) the petitioners shall not commit any offences of similar nature;



(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the Petitioners in accordance with law as if the conditions have been imposed and the Petitioners 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];

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

-sd/-
11/01/2022

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,
POLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
POLUR All Women POLICE STATION,
THIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.B.VISWANATHAN Advocate on payment of necessary
charges SR.NO.518

CRL OP.476/2022

Date :11/01/2022

JPA 12/01/2022