



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

CrI.O.P.No.43 of 2022

Ranjithkumar

.. Petitioner

Vs.

State by Inspector of Police,
AWPS Ennore Police Station,
Chennai
(Cr.No.15 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.15 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.M.Mohamed Riyas

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

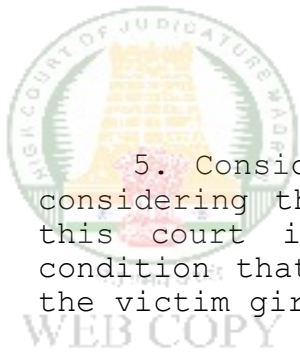
ORDER

The petitioner who was arrested and remanded to judicial custody on 25.11.2021 for the offences under Section 9 and 10 of Child Marriage Act 2006 and 5(1), 5(n) and 6 of Protection of Children from Sexual Offences (POCSO) Act 2012 and 506(1) IPC in Crime No.15 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had forcefully married the victim girl without her consent and had sexually abused her. 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 the petitioner has been suffering incarceration from 24.11.2021. Hence, he seeks to grant bail to the petitioner.

4. The learned Government Advocate (CrI. Side) on instructions submits that the statement of victim girl under Section 164 Cr.P.C has been recorded and the investigation has been completed. However, he vehemently opposed to grant bail to the petitioner.



5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with a condition that the petitioner should not have any communication with the victim girl.

[a] the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

[b] the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate, Thiruvottiur 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[d] the petitioner shall report before the respondent police on everyday at 10.30 a.m. until further orders;

[e]the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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;

[h]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
12/01/2022

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,
THIRUVOTTIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
AWPS ENNORE POLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.M.MOHAMED RIYAS Advocate on payment of necessary
charges SR.NO.618

CRL OP.43/2022

Date :12/01/2022

INBA-19/01/2022