



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM:

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

Cr1.O.P.No.305 of 2022

Vijaikumar

...Petitioner

Vs.

State rep by
The Inspector of Police
Bommidi Police Station
Bommidi, Dharmapuri District
(Crime No.321 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.321 of 2021 on the file of the Inspector of Police, Bommidi Police Station, Bommidi, Dharmapuri District.

For Petitioner : Mr.G.Vinodhkumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

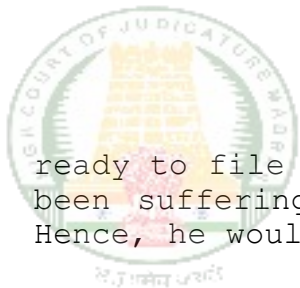
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 01.12.2021 for the offences under Sections 363, 366 of IPC 363, 366 IPC and 5(1) read with 6 of POCSO Act 2012, 9 of Child Marriage Act, in Crime No.321 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner kidnapped the victim girl aged about 17 years and married her and also had sexual intercourse with her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the victim girl were in love with each other and out of love affair they got marriage and a false case has been foisted against the petitioner based on the complaint given by the mother of the victim girl. He would further submit that the petitioner is ready to take care of the victim girl after she attains majority and he is



ready to file an affidavit to that effect and that the petitioner has been suffering incarceration for more than 50 days from 01.12.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would raise objection and submitted that the statement of the victim girl has been recorded under Section 164 Cr.P.C. and now the victim girl is at her parents house and that the investigation is almost completed.

5. A perusal of the statement of the victim girl recorded under Section 164 Cr.P.C. reveals that the petitioner and the victim girl were in love with each other for 2 years and out of love affair they got married in the presence of the family members of the petitioner.

5. Considering the above facts and circumstances of the case and the fact that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is directed to file an affidavit before the concerned Court that he would take care of the victim girl after she attains majority. On proof of filing of such affidavit, 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) each, before the learned Sessions Judge, Fast Track Mahila Court, Dharmapuri, 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 petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. until further orders.

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

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

(g) the petitioner 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 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];

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

-sd/-

21/01/2022

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 SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
DHARMAPURI.

2 THE INSPECTOR OF POLICE,
BOMMIDI POLICE STATION,
DHARMAPURI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, DHARMAPURI.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S G.VINODHKUMAR Advocate on payment of necessary charges SR.NO.986

CRL OP.305/2022

Date :21/01/2022

INBA~24/01/2022