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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

CORAM:

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

CrI.O.P.No.281 of 2022

Anandhan

... Petitioner

Vs.

The State Rep by  
The Sub Inspector of Police,  
All Women Police Station,  
Polur, Tiruvannamalai 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 petitioner on bail in Crime No.16 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.B.Jawahar

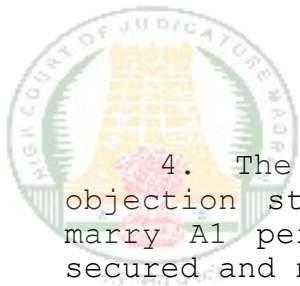
For Respondent : Mr.N.S.Suganthan  
Government Advocate

### ORDER

The petitioner who was arrested and remanded to judicial custody on 12.12.2021 for the offences under 376 (2)(n) of IPC r/w 5(1) and 6 of POCSO Act and Section 9, 10 of Child Marriage Act in Crime No.16 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/accused is the father of the victim girl who is aged about 16 years, the petitioner compelled the victim girl to marry with 1<sup>st</sup> accused 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 for 24 days from 12.12.2021. Hence, he seeks to grant bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner compelled the victim girl to marry A1 person. He further submits that the victim girl has been secured and now she stayed in a private home at Thiruvannamalai.

5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel and the fact that the investigation was almost completed, this court is inclined to grant bail to the petitioner with conditions.

**[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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Thiruvannamalai 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 every Monday and Thursday at 10.30 a.m. until further orders;**

**[e] the petitioner shall not compel the victim girl to marry anyone without her consent until she attains majority;**

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

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

**[h] 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;**

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

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-sd/-  
07/01/2022

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 SPECIAL COURT  
FOR EXCLUSIVE TRIAL OF CASES  
UNDER POCSO ACT, 2012,  
TIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
POLUR,  
TIRUVANNAMALAI DISTRICT.

4 THE OFFICER INCHARGE  
SUB JAIL, THIRUVANNAMALAI.

CC to M/S.B.JAWAHAR Advocate on payment of necessary charges

CRL OP.281/2022

Date :07/01/2022

TA-10/01/2022