



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Crl.O.P.No.943 of 2022

Prabakaran

.. Petitioner

Vs.

State Rep. by
The Inspector of Police,
All Women Police Station,
Perambalur.
(Cr.No.33 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.33 of 2021 on the file of the respondent Police.

For Petitioner : Mr.Dharani for
Mr.G.Suresh

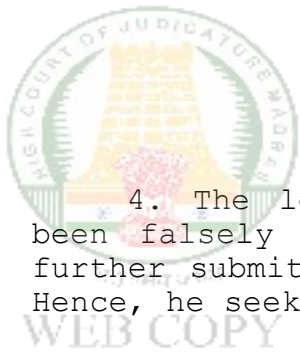
For Respondent : Mr.N.S.Suganthan
Government Advocate(Crl.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 13.12.2021 for the offences under Sections 5(1), 5(n) r/w. 6 of Protection of Children from Sexual Offences (POCSO) Act 2012 and Section 9, 10 of the Prohibition of Child Marriage Act, 2006 and 294 (b), 506 (ii) of I.P.C., in Crime No.33 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner got love affair with the defacto complainant and married her on 08.12.2019. Thereafter both of them living separately and after attaining majority, when the defacto complainant approached the petitioner's family intend to live with the petitioner, they refused her. Hence the complaint.

3. Today, when the matter is taken up for hearing, the Victim girl Ayshwariya and her father appeared before this Court through Video conferencing and the victim girl admits that both the petitioner and the victim girl are close relatives and they got married.



4. The learned Counsel for the petitioner submits that he has been falsely implicated in this case due to previous enmity. He further submits that he was suffering incarceration since 13.12.2021. Hence, he seeks to grant bail to the petitioner.

5. The learned Government Advocate (Crl. Side) on instruction would submit that the petitioner married the victim girl and they are close relatives. The statement of the victim girl under Section 164 Cr.P.C has been recorded. He further submits that the investigation was almost completed. However, he vehemently opposed to grant bail to the petitioner.

6. Considering the facts and circumstances of the case and also the fact that petitioner is ready to take care of the victim girl in future and to that effect, the petitioner shall file an undertaking affidavit before the Court below, 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 Sessions Judge, Mahila Court, Perambalur 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 Tuesday and Saturday at 10.30 a.m. until further orders;

[e] the petitioner shall file an undertaking affidavit before the concerned Court, failing which the bail granted by this Court shall stand dismissed automatically;

[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.

-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 SESSIONS JUDGE,
MAHILA COURT, PERAMBALUR.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PERAMBALUR.

3 THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to G.SURESH Advocate on payment of necessary charges
SR.NO.647

CRL OP.943/2022

Date :12/01/2022

INBA-19/01/2022