



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.02.2022

CORAM:

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

Crl.O.P.No.1942 of 2022

WEB COPY

G.Praveen Prabhu

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Palladam Police Station,
Tiruppur District.
(Crime No.1961 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.1961 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.P.Meenakshi Sundharam

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 15.12.2021 for the offences under Sections 366 of IPC and 5(1), r/w 6 of POCSO Act, 2012 and Section 9 of Child Marriage Act, in Crime No.1961 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution that the petitioner got married with the victim girl who is aged about 17 years and sexually harassed her. Hence, the complaint.

3. The learned Counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He further submits that the petitioner was suffering incarceration for more than fifty days from 15.12.2021. Hence, he seeks to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would raise objection stating that the petitioner had sexually harassed the defacto complainant's and the statement of the defacto complainant under Section 164 of Cr.P.C has been recorded and the investigation was almost completed.



5. A perusal of 164 statement reveals that the defacto complainant herself admitted that with her consent she eloped with the petitioner.

6. Considering the above facts and circumstances of the case and also considering that the investigation was almost completed and the fact that the petitioner on her own volition, she eloped with the petitioner, 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 each like sum for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Mahila Court, Tiruppur, 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 appear before the respondent police on every Tuesday at 10.30 a.m for a period of four weeks, 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/-

01/02/2022

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 MAHILA COURT,
TIRUPPUR

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

3 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. S.P.MEENAKSHI SUNDHARAM Advocate on payment of
necessary charges Sr.1577 & 1613

CRL OP.1942/2022

Date :01/02/2022

RVR 02/02/2022