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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.3115 of 2022

Chandru

...Petitioner

Vs.

The State rep by
The Inspector of Police,
Puduchatram Police Station,
Namakkal District.
(Crime No.711 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner/accused on bail in connection with Crime No.711 of 2021 on the file of the respondent police.

For Petitioner : Mr.G.Muthukumar

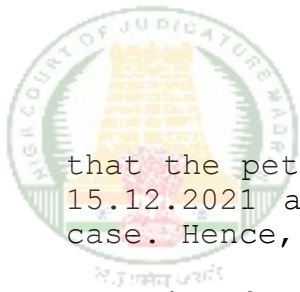
For Respondent : Ms.G.V.Kasthuri
(Additional Public Prosecutor)

O R D E R

The petitioner who was arrested and remanded to judicial custody on 15.12.2021 for the offences under Sections 366 of IPC r/w Section 9 of Prohibition of Child Marriage Act, 2006 and Sections 6, 5(1), 5(1) (ii) of Protection of Child from Sexual offences Act, 2012 in Crime No.711 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant/the Women Welfare Officer lodged a complaint before the respondent police stating that the petitioner married the victim girl who is aged about 17 years and committed aggravated penetrative sexual assault against her. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit



that the petitioner is in judicial custody for more than 50 days from 15.12.2021 and as of now, the investigation is completed in this case. Hence, he pray for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police fairly conceded that the investigation in this case has been completed and the final report has also been filed.

5. The submissions made by the learned counsel on either side are considered.

6. It is seen that at the relevant point of time, the victim girl was aged about 17 years. The averments found in the FIR discloses the fact that prior to the occurrence, the petitioner and the victim girl were fell in love with each other. Subsequently, they have got married. As of now, the investigation has been completed. Therefore, the detention of the petitioner is not necessary for completing the trial Court proceedings. Hence, this Court is inclined to grant bail to the petitioner.

(a) the petitioner is ordered to be released on bail to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Learned Sessions (Fast Track Mahila Court) Judge, Namakkal.

(b) 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;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of 30 days and thereafter, as and when required for interrogation.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) 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];

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



7. With the above directions, this Criminal Original Petition is ordered.

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-sd/-
09/02/2022

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 SESSIONS (FAST TRACK MAHILA COURT) JUDGE, NAMAKKAL.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE INSPECTOR OF POLICE,
PUDUCHATRAM POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.MUTHUKUMAR Advocate on payment of necessary charges SR.NO.2145

CRL OP.3115/2022

Date :09/02/2022

RW 10/02/2022