



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.2805 of 2022

R.Marimuthu

.. Petitioner

Vs.

The State represented by
The Inspector of Police,
All Women Police Station, Erode,
Erode District.
(Crime No.4 of 2022)

.. 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.4 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mrs.G.V.Kasthuri,
Additional Public Prosecutor

O R D E R

The petitioner who was arrested and remanded to judicial custody on 15.01.2022 for the offences under Sections 9, 10 of Prohibition of Child Marriage Act, 2006 and Sections 5(1), 6, 17 of Protection of Children from Sexual Offences (POCSO) Act 2012 in Crime No.4 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner after marrying the victim girl, who is aged 16 years / minor, committed sexual assault on her and therefore he was arrested and remanded into judicial custody on 15.01.2022. Hence this complaint.

3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that during the relevant point of time both the parents of the petitioner and victim girl alone arranged the marriage of petitioner with victim girl. In otherwise, none of the accused persons is not having any intention to commit the offences as alleged by the prosecution. Hence, he seeks for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police fairly admitted that after the solemnization of marriage between the petitioner and the defacto complainant the present case has been registered against this petitioner as well as against the parents of the defacto complainant. However, she opposed to release the petitioner on bail.

5. Submissions made by the learned counsel on either side were considered.

6. The averments found in the First Information Report discloses the fact previous to the occurrence the family members of the defacto complainant and accused arranged the marriage of petitioner and thereupon the present case has been registered. Though the victim girl is not attained the majority, being the reason that the portion of investigation as already been completed, custodial interrogation of the petitioner may not be necessary for completing investigation and therefore this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on their executing separate bonds 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, Magalir Neethimanram, (Fast Track Mahila Court), Erode, and on further conditions that:

(a) 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;

(b) the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders;

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

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

(e) 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;



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

-sd/-
08/02/2022

WEB COPY

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,
MAGALIR NEETHIMANDRAM,
(FAST TRACK MAHILA COURT),
ERODE.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges

CRL OP.2805/2022

Date :08/02/2022

INBA~09/02/2022