



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2022

CORAM:

THE HON'BLE MR.JUSTICE DR.G.JAYACHANDRAN

Cr1.O.P.No.4883 of 2022

Muthulingam

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
All Women Police Station,
Perambalur District.
(Crime No.34 of 2021)

.. Respondent

PRAYER:Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.34 of 2021 on the file of the respondent police.

For Petitioner : Mr.G.Ilamurugu

For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioner/A4, who was arrested and remanded to judicial custody on 17.12.2021 for the offences punishable under Sections 5(1) read with Section 6 of POCSO Act, 2012, 9 and 10 of the Prohibition of Child Marriage Act, 2006 and Sections 294(b), 323 and 506(ii) of IPC in Crime No.34 of 2021, on the file of the respondent police, seeks bail.

2. The petitioner herein is the father of the defacto complainant. From 164 statement of the defacto complainant, it appears that she was forcibly married to the first accused when she was hardly 16 years old and her father who is the petitioner herein was instrumental to that effect, later the marriage turned into sour due to the ill health of her husband and other sexual harassment meted out by the defacto complainant at the hands of her in laws. This petitioner was arrested on 17.12.2021. Since then he is in jail.

3.Learned Additional Public Prosecutor appearing for the respondent submitted that the enquiry substantially completed. 164 statement of the victim already recorded and the first accused who is husband of the defacto complainant also released on bail.



4. In view of the facts and circumstances, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Additional Mahila Court, Perambalur.

(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 is directed to appear before the Investigating Officer as and when required;

(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.

-sd/-

02/03/2022

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 JUDICIAL MAGISTRATE
ADDITIONAL MAHILA COURT, PERAMBALUR

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PERAMBALUR DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY

CC to M/S. G.ILAMURUGU Advocate on payment of necessary charges
SR.3180

CRL OP.4883/2022

Date :02/03/2022

RVR 03/03/2022