



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.5564 of 2022

Settu

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
Pallapatty Police Station,
Salem.
(Crime No. 1419 of 2020)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in connection with the Crime No.1419 of 2020 on the file of the respondent police.

For Petitioner : Mr.V.Jayaprakash Narayanan

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

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 27.01.2022 for the offences punishable under Sections 366 IPC, 5(1), 6, POCSO Act & Sec.9 of Child Marriage Act, 2006 in Crime No.1419 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the daughter of the defacto complainant's sister loved each other, eloped and got married. However, the defacto complainant filed Habeas Corpus Petition before this Court alleged that his 17 year old sister's daughter is missing.

3. Pursuant to the direction of this Court, the wife of the petitioner was produced before this Court, she stated that she had attained majority and she is not in illegal custody. While so, based on the complainant given by the defacto complainant the petitioner was arrested on 27.01.2022.

4. The learned counsel for the petitioner submits that the victim is not the complainant in this case whereas only the father of the victim lodged a complaint. He further submits that the petitioner had



attained her age of 18 and she had expressed hardship to live with the petitioner as husband and wife and therefore, the detention of the petitioner based on the complaint given by the defacto complainant is not warranted. In any event, the custodial interrogation is not required in this case and therefore seeks bail.

5. The learned Additional Public Prosecutor submits that the investigation regarding the statement of witnesses is yet to be completed.

6. However, considering the fact that the victim girl herself on 28.01.2022 had appeared before the Division Bench of this Court and stated that she had attained majority and she wanted to live with the petitioner herein.

7. In view of the above submissions, this Court is of the view that the detention of the petitioner any further is not required in this case. Hence, bail is granted to the petitioner 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 Principal Special Court for Exclusive Trial of Cases under POCSO Act, Salem

(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 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.

-sd/-

10/03/2022

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 PRINCIPAL SPECIAL COURT
FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
SALEM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

3 INSPECTOR OF POLICE,
PALLAPATTY POLICE STATION,
SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. V.JAYAPRAKASH NARAYANAN Advocate on payment of
necessary charges SR.3701

CRL OP.5564/2022

Date :10/03/2022

RVR 11/03/2022