



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.5740 of 2022

Arjun

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
Harur,
Dharmapuri District.
(Crime No.15 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.15 of 2021 on the file of the respondent police.

For Petitioner : Mr.J.Pradeep

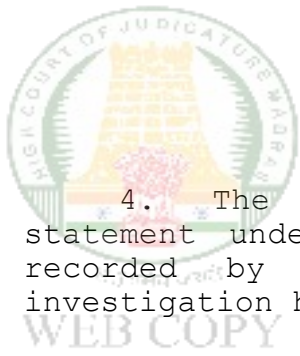
For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.02.2022 for the offences punishable under Sections 9 & 10 of Child Marriage Act 2006 and Sections 5(1) (j) (ii), r/w. 6(1) of POCSO Act, 2012 in Crime No.15 of 2021, on the file of the respondent police, seeks bail.

2. The petitioner herein was arrested on 03.02.2022, based on the complaint given by the defacto complainant/Village Welfare officer, alleging that the petitioner performed marriage with the victim minor girl who is aged about 16 years.

3. The learned Counsel for the petitioner states that the said marriage was an arranged marriage and the petitioner was not aware of the fact that his wife is a minor. Hence, he prays for bail.



4. The learned Additional Public Prosecutor submits that the statement under section 164 Cr.P.C. of the victim girl has been recorded by the learned Magistrate and major part of the investigation has already completed.

5. The statement recorded under section 164 Cr.P.C. of the victim girl indicates that she was in love with the petitioner for more than a year, since the parents opposed their love, the victim girl left the house on 12.05.2021 and got married to the petitioner on 25.05.2021 at Varnadheerthan Murugan Temple and thereafter they were living as a husband & wife, due to which she became pregnant, when she went for medical check-up, the hospital authorities has informed the concerned District Collector and further the complaint has been registered.

6. Considering the facts and circumstances of the case and also considering that the investigation almost completed and 164 statement of the victim girl has also been recorded, this Court is inclined to grant bail 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 Sessions Judge, Fast Track Mahila Court, Dharmapuri

(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.

WEB COPY

-sd/-
14/03/2022

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 SESSIONS JUDGE,
FAST TRACK MAHILA COURT, DHARMAPURI.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
HARUR, DHARMAPURI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.J.PRADEEP Advocate on payment of necessary charges

CRL OP.5740/2022

Date :14/03/2022

CSK 15/03/2022