



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.6520 of 2022

Velmurugan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Eriyur Police Station,
Dharmarpuri District.
(Crime No.16 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.16 of 2022 on the file of the respondent Police.

For Petitioner : Mr.C.Palanisamy

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

ORDER

The petitioner, who was arrested on 18.01.2022 for the offences punishable under Sections 5(1), 5(i)(ii), 6(1) POCSO Act-2012 and Section 9 of the Prohibition of Child Marriage Act-2006 in Crime No.16 of 2022, on the file of the respondent police, seeks bail.

2. Earlier this Court while considering the petition seeking bail by this petitioner, dismissed the same taking note of the fact that the petitioner is 25 years old has impregnated the victim girl, who is hardly 15 years. Now 164 statement of the victim girl produced by the learned Additional Public Prosecutor indicates that due to the request of the victim girl that she will commit suicide, if the petitioner fails to marry her and he being a close relative of the victim, to save her life, he married her and living as husband and wife.



3. Though there is some dispute regarding the age of the victim girl, undoubtedly she is a minor, in any event, having given a statement under 164 of Cr.P.C to the learned Magistrate not implicating any forceful sexual offence and the fact that the victim girl has given birth to a child, this Court is of the view that the bail may be granted to the petitioner. Accordingly, bail is granted to the petitioner and he is ordered to be released on bail subject to the following conditions;

(a) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the 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.

(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 petitioners 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/-
22/03/2022

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 FAST TRACK MAHILA COURT
DHARMAPURI.

2 THE INSPECTOR OF POLICE,
ERİYUR POLICE STATION,
DHARMAPURI DISTRICT.

3 THE OFFICER INCHARGE
SUB JAIL, HARUR, DHARMAPURI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.6520/2022

Date :22/03/2022

JPA 22/03/2022