



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.9762 of 2022

Vainaveen

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
Gobinathampatti Police Station,
Dharmapuri District.
(Crime No.33 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.33 of 2022 on the file of the Respondent Police seeks bail.

For Petitioner : Mr.M.Senthilkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.04.2022 for the offences punishable under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 and Sections 5(1) read with 6 (1) of Protection of Children from Sexual Offences Act in Crime No.33 of 2022, on the file of the respondent police, seeks bail.

2. Based on the complaint given by Child Welfare Board, the case has been registered against the petitioner and others alleging child marriage and offence under POCSO Act.

3. The case of the prosecution is that the petitioner had married the victim girl who was a minor at the time of the alleged marriage. It is further alleged that the victim girl has given birth to a male child on 27.02.2022.



4. Considering the fact that investigation has been completed, this Court is inclined to grant bail to the petitioner.

5. Accordingly, 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 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 shall report before the Investigating Officer daily 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/-
28/04/2022

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,
GOBINATHAMPATTI POLICE STATION,
DHARMAPURI DISTRICT.

3 THE OFFICER INCHARGE
SUB JAIL, HARUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.9762/2022

Date :28/04/2022

JPA 29/04/2022