



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

WEB COPY

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.9577 of 2022

Prakash

.. Petitioner

Vs.

The State rep by,
Inspector of Police,
All Women Police Station,
Erode.
Crime No.11 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 the event of his arrest by the Respondent Police, as against the case pending investigation in Crime No.11 of 2022 on the file of the Respondent Police.

For Petitioner : Mr.Shase for M/s.M.Guruprasad

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

ORDER

The petitioner who was arrested on 24.03.2022 for the offences punishable under Sections 5(j)(ii), 5(i), 5(n) r/w 6 of POCSO Act 2012 & Section 9 & 10 of Prohibition of Child Marriage Act 2006, in Crime No.11 of 2022, on the file of the respondent police, seeks bail.

2. The petitioner is the maternal uncle's son of the victim girl aged 16 years, who was arrested on 24.03.2022 on the allegation that he has married a minor girl contrary to the Prohibition of Child Marriage Act and also had indulged in penetrative sexual assault on the minor girl, which had attracted Sections 5(j) (ii), 5(i), 5(n) r/w 6 of POCSO Act 2012.



3. The learned Additional Public Prosecutor states that 164(5) Cr.P.C. statement of the victim girl already recorded, investigation substantially completed and final report is likely to be filed soon.

4. Considering the First Information Report and the 164(5) statement of the victim girl, this Court is inclined to grant bail to the petitioner. 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, Magalir Neethi Mandram, (Fast Track Mahila Court), Erode.

(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 report 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/-

27/04/2022

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
MAGALIR NEETHI MANDRAM, (FAST TRACK MAHILA COURT),
ERODE.



2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ERODE.

3 THE OFFICER INCHARGE,
SUB JAIL, ERODE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. M.GURUPRASAD Advocate on payment of necessary
charges SR.No.6320

CRL OP.9577/2022

Date :27/04/2022

CSK 27/04/2022