



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Twenty Third day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH
CRIMINAL ORIGINAL PETITION No.11633 of 2022

V. PARIVALLAL [PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ERIYUR POLICE STATION,
DHARMAPURI DISTRICT.
CR.NO.69/2022.

For Petitioner : M/S. N.VIJAYA BASKER Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

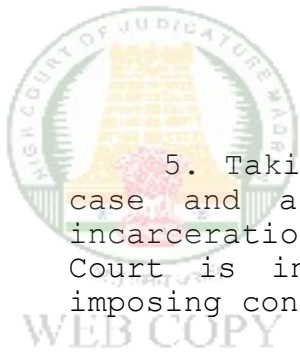
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 04.05.2022 for the alleged offences under Sections 363, 366, IPC and Sections 5(1) read with 6 of POCSO Act and Section 9 of the Child Marriage Act in Crime No.69 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner kidnapped a minor girl and forcibly married her and also sexually abused.

3. Heard Mr.N.Vijaya Basker, learned counsel for the petitioner and Mr.S.Santhosh, learned Government Advocate for the respondent.

4. This Court carefully went through the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. It is seen that the victim girl and the petitioner had a love affair and they had eloped and they were staying at a hotel in Trichy. Thereafter, they also got married at Srirangam Temple. Their whereabouts were traced by the Police and the girl was taken to her parents house and the petitioner was remanded to judicial custody.



5. Taking into consideration the facts and circumstances of the case and also the fact that the petitioner has also suffered incarceration for nearly 19 days and the girl has been secured, this Court is inclined to enlarge the petitioner on bail subject to imposing conditions.

6. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.5,000/- (Rupees five thousand only) with two sureties, each for a like sum to the satisfaction of the learned Fast Track Judge, Mahila Court, Dharmapuri, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police as and when required;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned 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 v. State of Kerala [(2005) AIR SCW 5560]; and

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

23/05/2022

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 JUDGE,
MAHILA COURT, DHARMAPURI

2 THE OFFICER INCHARGE,
CENTRAL PRISON, DHARMAPURI DISTRICT.

3 THE INSPECTOR OF POLICE,
ERiyUR POLICE STATION,
DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON,
DHARMAPURI DISTRICT.

CC to M/S. LAW VISION Advocate on payment of necessary charges
Sr.7773

CRL OP.11633/2022

Date :23/05/2022

RVR 25/05/2022