



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.12061 of 2022

PRAVEEN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PALLADAM, TIRUPPUR DISTRICT.
(CRIME NO.7/2022)

[RESPONDENT]

For Petitioner : M/S. C.S.SARAVANAN 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 26.03.2022 for the alleged offence under Sections 5(1), 5 (j)(ii), 6 of Protection of Children from Sexual Offences (POCSO) Act, 2012 and Section 9 of Child Marriage Restraint Act in Crime No.7 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner forcibly married a minor victim girl and had penetrative sexual intercourse with her.

3. Heard Mr.C.S.Saravanan, learned counsel for the petitioner and Mr.S.Santhosh, learned Government Advocate (Crl.Side) for the respondent Police.

4. This Court carefully went through the 164 statement recorded from the minor victim girl. It is seen that the minor victim girl and the petitioner, who is aged about 19 years had a love affair and both of them indulged in sexual intercourse regularly. Thereafter, both of them also got married. Once these facts came to light, the complaint was given against the petitioner.



5. Taking into consideration of the facts and circumstances of the case and also of the fact that the petitioner is only aged about 19 years and there was a love affair between the petitioner and minor victim girl and the petitioner had already suffered incarceration for nearly 58 days, this Court is inclined to enlarge the petitioner on bail.

6. Accordingly, the petitioner is ordered to be released on bail on his 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 Sessions Judge, Mahilar Neethimandram (FTMC), Tiruppur 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 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/-
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.



1 THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM (FTMC), TIRUPPUR.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PALLADAM, TIRUPPUR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. C.S.SARAVANAN Advocate on payment of necessary
charges SR.No.7821

CRL OP.12061/2022

Date :23/05/2022

CSK 24/05/2022