



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.12174 of 2022

THANGARAJ @ THANGAVEL

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GOBICHETTIPALAYAM,
ERODE DISTRICT
CRIME NO.03/2022

[RESPONDENT]

For Petitioner : M/S. M.VIJAYA RAGAVAN Advocate

For Respondent : M/S.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 07.03.2022 for the alleged offences under Section 366A of IPC, Section 9 of Prohibition of Child Marriage Act, 2006 and Section 5(1) r/w 6 of POCSO Act 2012 in Crime No.03 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner eloped with the minor victim girl and forcibly married her and also committed penetrative sexual assault .

3. Heard Mr.M.Vijaya Ragavan, learned counsel for the petitioner and Mr.S.Santhosh, 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 petitioner and the minor victim girl had a love affair and they also got married and they were living together for nearly an year. It seems that the petitioner had the habit of drinking alcohol and hence the minor victim girl was treated with cruelty. It is only at this point of time, the issue got exposed and complaint was given against the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also the statement given by the minor victim girl and also of the fact that the petitioner had already suffered incarceration for nearly 77 days and also considering the age of the petitioner, this Court is inclined to grant bail to the petitioner.

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, Mahila Court, Erode 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.

WEB COPY

-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 SESSIONS JUDGE,
MAHILA COURT, ERODE.

2 THE OFFICER INCHARGE,
SUB JAIL, GOBICHETTIPALAYAM,
ERODE DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GOBICHETTIPALAYAM,
ERODE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.VIJAYA RAGAVAN Advocate on payment of necessary charges SR.NO. 7784

CRL OP.12174/2022

Date :23/05/2022

RW-24/05/2022