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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.13458 of 2022

Bharathi

..Petitioner

Vs.

The State Rep. By
The Inspector of Police,
Thandrampet Police Station,
Thandrampet,
Tiruvannamalai District.

..Respondent

PRAYER:- Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.106/2022, pending on the file of the respondent.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.05.2022 for the offence under Section **Girl Missing @ Sections 4, 5(1), 6 of POCSO Act, 2012 r/w Section 9 of Child Marriage Act, 2006**, in crime No.106 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner kidnapped the victim girl aged about 17 years, got married her and had physical relationship.

3. The learned counsel appearing for the petitioner would submit that both the petitioner and the victim girl had fell in love and got married. They lived together happily and only on the complaint lodged by the parents of the victim girl, the First Information Report has been registered. Therefore, the petitioner was arrested and remanded to judicial custody on 04.05.2022.



4. On perusal of the statement recorded under Section 164 of Cr.P.C., it reveals that the victim girl has fell in love with the petitioner, eloped and got married. Thereafter they started living together as husband and wife and also had physical relationship. While securing the victim girl, she refused to go with her parents and now she is staying at home.

5. That apart, the date of birth of the victim girl was 03.06.2004 and she also attains majority. Considering the above facts and circumstances, the petitioner is ready and willing to register their marriage and to produce their marriage certificate before the respondent.

6. Considering the above submissions, this Court is inclined to grant Bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai 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 for interrogation.

[c] the petitioner shall register his marriage with the victim girl forthwith and produce the Certificate of the marriage before the respondent police on or before 27.06.2022. If the petitioner fails to register his marriage with the victim girl and fails to produce the Certificate of Marriage, the bail stands automatically cancelled and the respondent is directed to secure the petitioner and proceed in accordance with Law.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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]**.



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

-sd/-

10/06/2022

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This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
TIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THANDRAMPET POLICE STATION,
THANDRAMPET,
TIRUVANNAMALAI DISTRICT.

4 THE OFFICER INCHARGE
SUB JAIL, TIRUVANNAMALAI.

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

CRL OP.13458/2022

Date :10/06/2022

TA-13/06/2022