



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2022

CORAM

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

Crl.OP.No.15000 of 2022

R.Masanam @ Masanadurai

.. Petitioner/sole accused

Vs.

State rep by
The Inspector of Police,
All Women Police Station Dharapuram,
Tiruppur District
crime No.8 of 2022

.. Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Spl.SC.No.83 of 2022 on the file of the learned Sessions Judge, Magalir Neethimandram, Fast Track Mahila Court, Tiruppur in respect of crime No.8 of 2022 on the file of the respondent police.

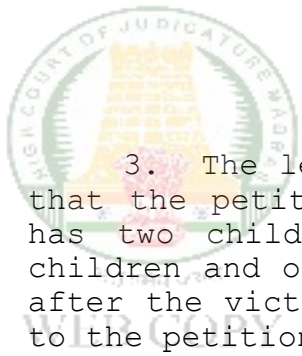
For Petitioner : Mr.C.S.Saravanan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.04.2022 for the offence punishable under Section 9 of the Child Marriage Act and Sections 5(1), 5(j)(ii), 6 of Protection of Children from Sexual Offences (POCSO) Act, 2012 in Spl.SC.No.83 of 2022 on the file of the learned Sessions Judge, Magalir Neethimandram, Fast Track Mahila Court, Tiruppur in respect of crime No.8 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner is alleged to have committed sexual assault on the victim girl aged about 17 years and married her and gave birth to a child. Hence, the case.



3. The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl had love affair and now she has two children. Further, the neighbours are taking care of the children and only if the petitioner is released on bail, he will look after the victim girl and the children. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner is alleged to have committed sexual assault on the victim girl aged about 17 years and married her and gave birth to two children.

5. It is seen that though love affair between the petitioner and the victim girl aged about 17 ½ years, both the parents arranged marriage for them, due to which they had physical relationship and now the victim also gave birth to a child. After arrest of the petitioner, the victim girl is with the parents of the petitioner and they are under the custody and care of the petitioner's family members. That apart, the respondent completed investigation and filed final report and the same has been taken cognizance in Spl.SC.No.83 of 2022 on the file of the learned Sessions Judge, Magalir Neethimandram, Fast Track Mahila Court, Tiruppur.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. 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 learned Sessions Judge, Magalir Neethimandram, Fast Track Mahila Court, 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] when the victim girl attains majority, the petitioner shall register his marriage with the victim girl and produce their marriage certificate before the trial court within a period of two months from the date of attaining majority by the victim girl, failing which the respondent is directed to secure the petitioner and proceed in accordance with law.

[c] the petitioner shall report before the trial court viz., learned Sessions Judge, Magalir Neethimandram, Fast Track Mahila Court, Tiruppur on all hearing dates.

[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/-
29/06/2022

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 NEETHIMANDRAM,
FAST TRACK MAHILA COURT, TIRUPPUR

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges

CRL OP.15000/2022

Date :29/06/2022

JPA 01/07/2022