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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2022

CORAM

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

Cr1.OP.No.15385 of 2022

Vijayakumar

..Petitioner/A1

Vs.

The State rep by
Inspector of Police,
Rasipuram AWPS
crime No.5 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.5 of 2022 on the file of the respondent police.

For Petitioner : Mr.S.N.Subramani

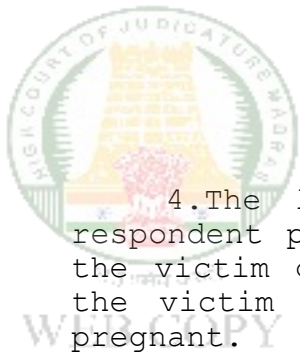
For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.04.2022 for the offence punishable under Section 9 of PCM Act, 2006 and Sections 5(1), 5(J)(ii) r/w 6, Sections 6 r/w 17 of POCSO Act, 2012 in crime No.5 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner is the husband of the victim girl. The petitioner married the victim girl and committed repeated aggravated penetrative sexual assault on the victim girl aged about 15 years, as a result of which she became pregnant. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner fell in love with the victim girl aged about 15 years and got married her with the support of the victim girl's parents.



4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner/A1 is the husband of the victim girl and A2 is the mother of A1. The petitioner married the victim girl aged about 16 years and now she is three months pregnant.

5. It is seen that the petitioner fell in love with the victim girl and also married her. Now, she got three months pregnancy. When the victim went to the hospital for medical check up, on the statement from the victim girl, the present complaint has been registered as against the petitioner.

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 (Fast Track Mahila) Judge, Namakkal 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 respondent police 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 respondent police daily at 10.30 a.m. for a period of two weeks and thereafter report before the respondent police as and when required for interrogation.

[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.

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-sd/-

05/07/2022

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 (FAST TRACK MAHILA) JUDGE,
NAMAKKAL.

2 THE INSPECTOR OF POLICE,
RASIPURAM AWPS,
NAMAKKAL.

3 THE OFFICER INCHARGE,
SUB JAIL, RASIPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.N.SUBRAMANI Advocate on payment of necessary
charges SR.No.10691

CRL OP.15385/2022

Date :05/07/2022

CSK 05/07/2022