



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2022

CORAM

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

Crl.O.P.No.15483 of 2022

Ganapathi

... Petitioner

Vs.

State, Rep. by
The Inspector of Police,
Tiruppur South Police Station,
Tiruppur City,
Tiruppur District.
Crime No.339 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.S.C.No.78 of 2022 on the file of the Learned Sessions Judge, Mahalir Neethimandram (FTMC), Tiruppur in Crime No.339 of 2022 pending investigation on the file of the respondent police.

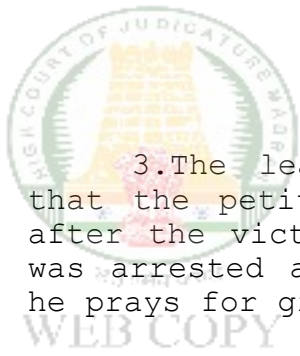
For Petitioner : Mr.C.S.Saravanan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.05.2022 for the offence under Sections Girl Missing @ Section 5 (1) read with 6 of Protection of Children from Sexual Offences Act, 2012 and under Section 9 of the Child Marriage Act in Crime No.339 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner fell in love with the victim girl aged about 17 years and thereafter they eloped somewhere and get married. They lived together for some period and thereafter on the complaint lodged by the mother of the victim girl, the girl was secured and the petitioner was remanded to judicial custody.



3.The learned counsel appearing for the petitioner submitted that the petitioner is ready and willing to register the marriage after the victim girl attains majority. That apart, the petitioner was arrested and remanded to judicial custody on 14.05.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the statement of the victim girl under Section 164 of Cr.P.C was recorded and further submits that the victim girl was secured. However, he opposed to grant bail to the petitioner.

5. On perusal of the statement of the victim girl recorded under Section 164 of Cr.P.C reveals that the victim girl on her own volition went with the petitioner and had physical relationship.

6. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner i.e., from 14.05.2022, this Court is inclined to grant bail to the petitioner with a condition that the petitioner shall register his marriage with the victim girl after she attains majority and shall produce the registration of the marriage certificate before the respondent police within a period of two weeks once she attains majority, failing which, the bail granted shall stand automatically cancelled.

7. Accordingly, 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 blood related sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir 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 daily at 10.30.a.m., for until further orders.

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

[d] the petitioner shall not tamper with evidence or witness 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/-
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 JUDGE
MAHALIR NEETHIMANDRAM (FTMC), TIRUPPUR

2 THE INSPECTOR OF POLICE,
TIRUPUR SOUTH POLICE STATION,
TIRUPUR CITY.

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.15483/2022

Date :05/07/2022

JPA 06/07/2022