

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2022

CORAM

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

Crl.O.P.No.15873 of 2022

Prasanth @ Rajendraprasanth

...Petitioner

Vs.

State, Rep. by
The Inspector of Police,
Tharamangalam Police Station,
Tharamangalam,
Salem District.
Crime No.238 of 2022

...Respondent

PRAYER:-Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in Crime No. 238 of 2022 on the file of the respondent police.

For Petitioner : Mr.S.Panneer Selvan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.04.2022 for the offence under Sections 366(A) of I.P.C and Sections 5(1) read with Section 6 of POCSO Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006 in Crime No.238 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 and on the pretext of marriage, the petitioner kidnapped the victim girl and married her and also had sexual intercourse with her. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. That apart, the petitioner was arrested and remanded to judicial custody on 27.04.2022. 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 also recorded. However, he vehemently opposed to grant bail to the petitioner.

5. On perusal of the statement of the victim girl recorded under Section 16 of Cr.P.C reveals that the victim girl on her own volition went along with the petitioner and married him.

6. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner i.e., from 27.04.2022, this Court is inclined to grant bail to the petitioner with a condition that the petitioner is directed to register his marriage with the victim girl and produce the marriage registration certificate before the respondent police within a period of four weeks from the date of coming out of prison, failing which, the bail granted shall automatically cancelled and the respondent is directed to secure the petitioner in accordance with law.

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 Special Judge for Exclusive Trial of POCSO case, Salem 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., 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.

-sd/-

11/07/2022

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 SPECIAL JUDGE FOR EXCLUSIVE TRIAL OF POCSO CASE,
SALEM.

2 THE INSPECTOR OF POLICE,
THARAMANGALAM POLICE STATION,
THARAMANGALAM,
SALEM DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.PANNEER SELVAN Advocate on payment of necessary charges SR.No.11123

CRL OP.15873/2022

Date :11/07/2022

CSK 11/07/2022