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CrI.OP.No.16068 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2022

CORAM

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

CrI.O.P.No.16068 of 2022

James

...Petitioner

Vs.

State, Rep. by
The Inspector of Police,
W-1, All Women Police Station,
Thousand Lights, Chennai - 600 006.
Crime No.192 of 2022

...Respondent

PRAYER:-Criminal Original Petition is filed under Section 439 of Cr.P.C.

praying to enlarge the petitioner/1st Accused on bail in FIR Crime No.192 of 2022 on the file of the respondent.

For Petitioner : Mr.G.Mayakrishnan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.06.2022 for the offence under Sections 366-A of IPC and Section 9 and 10 of Prohibition of Child Marriage Act, in Crime No.192 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, there was a love affair between the petitioner and the victim girl, for which, the petitioner kidnapped the victim girl and thereby performed marriage. Hence, the case.

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 05.06.2022. 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 opposed to grant bail to the petitioner.

5. On perusal of the statemen of the victim girl recorded under



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Section 164 of Cr.P.C reveals that the marriage was arranged by the petitioner's family and further there was no physical relationship between them.

6. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner i.e., from 05.06.2022, this Court is inclined to grant bail to the petitioner.

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 **XVII Metropolitan Magistrate, Egmore, Chennai** 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 twice daily at 10.30.a.m., and 04.30.p.m., until further orders.

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



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[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.

12.07.2022

Sma

To

1. XVII Metropolitan Magistrate,



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Egmore, Chennai.

2. The Inspector of Police,
W-1, All Women Police Station,
Thousand Lights, Chennai - 600 006.

3. Puzhal Prison

4. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

Sma

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