



CrI.O.P.No.17106 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2022

CORAM

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

CrI.O.P.No.17106 of 2022

Munishwaran @ Vallarasu

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Sankarapuram Police Station,
kallakurichi.
Crime No.160 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.160 of 2022 on the
file of the Inspector of Police, Sankarapuram Police Station, Kallakurichi.

For Petitioner : Mr.S.Kasirajan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.04.2022 for the offences punishable under Sections **366 of IPC and Section 6, 5(i) of POCSO Act read with Section 9 of Child Marriage Act** in Crime No. 160 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, the petitioner kidnapped the victim minor girl who is aged about 16 years and thereby performed marriage and also had sexual intercourse with her. Hence, the case.

3.The learned counsel appearing for the petitioner submits that both the petitioner and the victim girl loved each other and there is no compulsion of the side of the petitioner. He further submit that the petitioner is in Judicial Custody from 18.04.2022. onwards. Hence, he has prayed for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the



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respondent submitted that the statement of the victim girl under Section 164 of Cr.P.C was recorded and further submit that investigation completed and charge sheet filed. However, he opposed for granting bail to the petitioner.

5. On perusal of the statement of the victim girl recorded under Section 164 of Cr.P.C revealed that the victim girl on her own volition went along with the petitioner and had sexual intercourse.

6.Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner from the date of arrest ie., from 18.04.2022, this Court is inclined to grant bail to the petitioner

7. 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 blood related sureties**, each for a like sum to the satisfaction of the learned **Sessions Judge, Special Court for Exclusive**



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Trial of Cases Under POCSO Act, Villupuram 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.

[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]**.



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

[g] the petitioner shall file an affidavit before the trial Court that the petitioner shall marry the victim girl once she attained majority and also produce the copy of the marriage registration certificate before the respondent police within a period of two weeks from the date on which the victim girl attains majority, failing which, the bail granted to the petitioner shall stands automatically vacated and the respondent shall secure the petitioner in accordance with law.

26.07.2022

sma

To

1. Sessions Judge,
Special Court for Exclusive Trial of Cases
Under POCSO Act, Villupuram.
2. The Inspector of Police,
Sankarapuram Police Station,
kallakurichi.
3. Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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