



WEB COPY



Crl.O.P.No.18185 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2022

CORAM

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

Crl.O.P.No.18185 of 2022

Hariharan

... Petitioner

Vs.

The State Rep. by,
Inspector of Police,
Needamangalam Police Station,
Thiruvarur District.
(Crime No.58 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.32 of 2022 on the
file of the learned Sessions Judge Fast Track Mahile Court, Thiruvarur,
Thiruvarur District.

For Petitioner : Mr.Swami Subramanian

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



Crl.O.P.No.18185 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.04.2022 for the offences punishable under Sections **323, 506(ii), 366(A) of IPC and Section 5(I), 6 of POCSO Act** in Crime No. 58 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 minor girl aged about 17 years. It is alleged that the victim girl eloped with the petitioner and thereby they both had physical relationship. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that both the victim girl and the petitioner fell in love with each other and further the petitioner is ready to marry the victim girl after she attains majority. He further submit that the petitioner is in Judicial Custody from 01.04.2022. onwards. Hence, he has prayed for grant of bail to the petitioner.



Crl.O.P.No.18185 of 2022

WEB COPY

4. 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 thereby had physical relationship.

5. 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 01.04.2022, 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.**

6. 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



Crl.O.P.No.18185 of 2022

satisfaction of the learned **Sessions Judge, Fast Track Mahila Court, Thiruvavarur, Thiruvavarur District** 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., for a period of four weeks and thereafter as and when required for interrogation;

[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.

03.08.2022

sma



WEB COPY



Crl.O.P.No.18185 of 2022

To

1. Sessions Judge, Fast Track Mahila Court,
Thiruvarur, Thiruvarur District.
2. Inspector of Police,
Needamangalam Police Station,
Thiruvarur District.
3. District Prison,
Nagapattinam.
4. The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.O.P.No.18185 of 2022

G.K.ILANTHIRAIYAN, J.

sma

Crl.O.P.No.18185 of 2022

03.08.2022