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CrI.OP.No.18666 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2022

CORAM

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

CrI.OP.No.18666 of 2022

1.Kandasamy  
2.Palanisamy  
3.Manikandan  
4.Tamilarasan  
5.Raju  
6.Venkatachalam  
7.Sadayan

...Petitioners

Vs.

State rep. by its  
The Inspector of Police,  
Ayilpatty Police Station,  
Namakkal District.  
(Crime No.66 of 2022)

..Respondent

**PRAYER:**

Criminal Original Petition is filed under Section 439 of Cr.P.C.  
praying to enlarge the petitioners on bail in Crime No.66 of 2022, on the  
file of the Respondent Police.

For petitioners : Mr.W.Camyles Gandhi

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



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**ORDER**

The petitioners, who were arrested and remanded to judicial custody on 05.06.2022 for the offences punishable under Sections 147, 363, 506(i) of IPC and Sections 9 and 10 of Child Marriage restraint Act 1929, Section 5(I) r/w 6 of POCSO Act 2012 in crime No.66 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that 1<sup>st</sup> petitioner married the victim girl and they lived together for 6 months. Due to some misunderstanding between , the victim girl voluntarily left her matrimonial home and started to live with her aunty. On the date of occurrence, the 1<sup>st</sup> petitioner along with other accused persons went to the victim girl aunty's house and forcibly taken her to the matrimonial home. At that time, the OMINI vehicle in which they were travelling was intercepted by the Mangalapuram Police Officials during routine check up, as such, the victim girl was secured and handed over to the respondent police. Hence, the complaint.

3. Even according to the case of the prosecution, victim girl



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already got married with the A1. Thereafter, she was sent to school.

When there was a family dispute between them, a complaint has been lodged as against the accused persons. In fact, the victim girl is now pregnant.

4. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioners from the date of their arrest i.e.05.06.2022, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** with **two common sureties**, each for a like sum to the satisfaction of the **learned Sessions (Fast Track Mahila) Judge, Namakkal**, 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 1<sup>st</sup> petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation. The 2<sup>nd</sup> , 3<sup>rd</sup> , 4<sup>th</sup> , 5<sup>th</sup> , 6<sup>th</sup> and 7<sup>th</sup> petitioner shall report before the respondent police as and when



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**required for interrogation.**

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

**10.08.2022**

mpl



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**G.K.ILANTHIRAIYAN, J.**

mpl

To

- 1.The Sessions (Fast Track Mahila) Judge, Namakkal.
- 2.The Inspector of Police,  
Ayilpatty Police Station,  
Namakkal District.
- 3.Central Prison-Salem.
- 4.The Public Prosecutor,  
High Court of Madras

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