



CrI.OP.No.21066 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2022

CORAM

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

**CrI.O.P.No.21066 of 2022**

Gopi

..Petitioner

Vs.

The State,  
Represented by Inspector of Police,  
AWPS - Gingee,  
Villupuram District.  
(Crime No.24 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.24 of 2022 pending on the file of the respondent police.

For Petitioner : Mr.M.Chellapandian

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

**ORDER**

The petitioner, who was arrested and remanded to judicial custody on 17.07.2022 for the offence under Section 366 of IPC @ Sections 366,



CrI.OP.No.21066 of 2022

341 of IPC read with Sections 6, 17 of the POCSO Act in crime No.24 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 08.07.2022, the *de-facto* complainant's daughter was found missing. Hence, the complaint.

3. The petitioner is none other than the maternal uncle of the victim girl. Initially, they fell in love and thereafter, the petitioner sought the permission for marrying the victim girl. However, it was refused by the parents of the victim girl. On the instructions of the victim girl, she eloped and had physical relationship with the petitioner. Thereafter, on the complaint, she was produced before the concerned Court. On perusal of the statement recorded under Section 164 of Cr.P.C. revealed the same.

4. The learned counsel appearing for the petitioner submitted that the petitioner is ready and willing to marry the victim girl immediately after attainment of her majority.



CrI.OP.No.21066 of 2022

WEB COPY

5. Considering the above submissions, this Court is inclined to grant Bail to the petitioner with certain conditions. Accordingly, the petitioner shall file an undertaking affidavit to the effect that the petitioner shall marry the victim girl after attainment of her majority and produce the registration of marriage certificate before the respondent police and on such undertaking, 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 sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate-Gingee, Thiruvannamalai** 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 as and when required for interrogation.

**[c] the petitioner shall file an undertaking affidavit to the effect that the petitioner shall marry the victim girl after attainment of her majority and produce the registration of marriage certificate before the respondent police, failing which the bail stands**



CrI.OP.No.21066 of 2022

**automatically cancelled and the respondent police is directed to secure the petitioner and proceed in accordance with Law.**

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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]**.

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

**02.09.2022**

mpl

To

- 1.The Judicial Magistrate-Gingee, Thiruvannamalai.
- 2.The Inspector of Police,  
AWPS - Gingee,  
Villupuram District.
- 3.Central Prison,  
Cuddalore.

Page 4 of 6



CrI.OP.No.21066 of 2022

4.The Public Prosecutor,  
High Court of Madras.



WEB COPY



Crl.OP.No.21066 of 2022

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

mpl

**Crl.O.P.No.21066 of 2022**

**02.09.2022**