



Crl.O.P.No.21989 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

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Shankar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station.
Kondalampatti,
Salem District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in Crime No.8 of 2022 on the
file of the respondent Police.

For Petitioner : Mr.S.Venkatesh

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.07.2022, for the offences punishable under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 and Section 5(1) and 6 of Protection of Child from Sexual Offences, 2012, in Crime No.8 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and his family members arranged and performed the marriage between the petitioner and the de-facto complainant/victim, who is aged about 16 years and later, due to the harassment, the victim had attempted to commit suicide by consuming poison and fortunately, she has been saved and the complaint has been registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl are related to each other and due to intervention of the family members, their marriage was performed and the victim get conceived and later, due to matrimonial dispute between them, the



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victim had attempted to commit suicide by consuming poison and she was taken to the hospital by the petitioner and when she was in hospital, complaint has been received by the respondent Police and now, the victim girl is in her grand mother's custody. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the victim is aged about 16 years and the marriage between the petitioner and the victim was performed by the relatives of the victim and thereafter, the petitioner committed sexual assault on the victim, due to which, the petitioner became pregnant. He would further submit that later due to the quarrel between the petitioner and the victim, the victim attempted to commit suicide by consuming poison. He would also submit that the investigation has been completed and the final report has also been filed before court concerned and it is yet to be taken on file and hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned



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learned Additional Public Prosecutor for the respondent and perused the materials available on record including the statement recorded from the victim.

6. Taking into consideration the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner, 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.25,000/- (Rupees Twenty Five thousand only)** with **two sureties** , each for a like sum to the satisfaction of the **learned Special Court for POCSO Cases, District Court, Salem District**, and on further conditions that:



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[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 learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, on all working day at 10.30 a.m. without fail, 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 abscond, a fresh FIR
can be registered under Section 229A IPC.

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To

1. The Principal Special Court
for Exclusive Trial of Cases under POCSO Act,
Salem District.
2. The Inspector of Police,
All Women Police Station.
Kondalampatti,
Salem District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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