



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.24833 of 2021

RAJENDIRAN

...Petitioner

Vs.

State by
The Inspector of Police
All Women Police Station
Vandhavasi,
Thiruvannamalai District
(Crime No.15 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.15 of 2021 on the file of the Inspector of Police, All Women Police Station, Vandhavasi, Thiruvannamalai District.

For Petitioner : Mr.S.Sasikumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

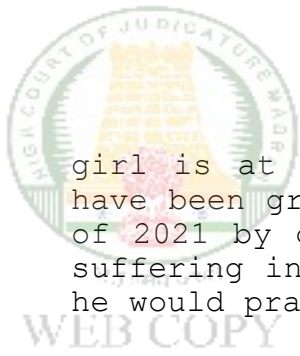
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 29.11.2021 for the offences under Sections 9, 10 of Prohibition of Child Marriage Act 2006 and Section 11(1) & 12 of POCSO Act, 2012 in Crime No.15 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the complainant is an Administrative Officer. The petitioner married the victim girl who is aged about 17 years in the presence of his friends and relatives at Melmalayanoor Temple as per Hindu rites and customs. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the victim girl is relative to the petitioner and that he was not aware that the victim girl was a minor at the time of marriage and that the marriage was arranged by the elders of the family with the consent of both the family members and the petitioner has been falsely implicated in this case. He would further submit that now the victim



girl is at the verge of attaining majority and that the co-accused have been granted anticipatory bail by this Court in CrI.O.P.No.23541 of 2021 by order dated 07.12.2021 and that the petitioner has been suffering incarceration for more than 50 days from 29.11.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would raise objection stating that the petitioner conducted child marriage with the victim girl who was aged about 17 years and now the victim girl is at her parents house but admits that the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that the investigation is almost completed and co-accused have been granted anticipatory bail and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Special Judge for Exclusive Trial of POCSO Act Cases, Thiruvannamalai, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

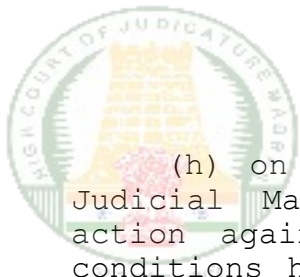
(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;



(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

21/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL JUDGE FOR
EXCLUSIVE TRIAL OF POCSO ACT CASES,
THIRUVANNAMALAI

2 THE OFFICER INCHARGE,
SUB JAIL, VANDHAVASI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VANDHAVASI, TIRUVANNAMALAI DISTRICT.

CC to M/S. S.SASIKUMAR Advocate on payment of necessary charges
Sr.936

CRL OP.24833/2021

Date :21/01/2022

RVR 21/01/2022