



Crl.O.P.No.4184 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.02.2023

CORAM :

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

Crl.O.P.No.4184 of 2023

Suriyamoorthi @ Moorthi

... Petitioner

Vs.

State Rep by
The Inspector of Police,
All Women Police Station,
Kondalampatty,
Salem District.
Crime No.2 of 2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.2 of 2023 on the file of the respondent Police.

For Petitioner : Mr.R.Sasikumar

for Mr.D.Balaji

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)



Crl.O.P.No.4184 of 2023

ORDER

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 19.01.2023 for the offences punishable under Sections 366 of IPC, Section 9 of Prohibition of Child Marriage Act 2006 and Section 5(1), 5(j) (ii) r/w 6 of POCSO Act 2012, in Crime No.2 of 2023 seeks bail.

2. The case of the prosecution is that the petitioner and the victim girl fell in love with each other. Subsequently, the petitioner eloped with the minor girl, got married at Samiyapuram Temple and thereafter sexual intercourse with her. Based on the complaint given by the mother of the victim girl, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner and the victim girl fell in love each other. He further submits that the victim girl on her own volition came out of the house to marry the petitioner. Apart from that he has not committed any offence as alleged by the prosecution and he has been falsely implicated in the case



Crl.O.P.No.4184 of 2023

and he is judicial custody from 19.01.2023. Hence he prays for grant of bail to the petitioner.

WEB COPY

4.The learned Government Advocate (Crl.Side) submitted that statement of the victim girl u/s 164 Cr.P.C. has been recorded, in which, the victim has admitted that on her own volition she left her parental home and got married with the petitioner. He further submitted that the investigation is almost completed.

5.On perusal of the statements recorded under Section under 164 of Cr.P.C, it is made clear by the victim girl that she on her own volition came out her house to marry the petitioner. It is also observed that the elders of the family advised the victim girl not to continue the relationship with the petitioner even then the victim girl agreed for marriage with the petitioner.

6. Considering the facts and circumstances of the case and as per the statement of the victim girl u/s 164 Cr.P.C., the minor girl had admitted that she had, on her own, left her home and married with the



Crl.O.P.No.4184 of 2023

petitioner and also considering the fact that the petitioner having been under incarceration from 19.01.2023, this Court is inclined to grant bail to the petitioner with following conditions:

7. 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 sureties, each for a like sum to the satisfaction of the learned ***Sessions Judge, Principal POCSO Court, Salem*** and on further condition 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, on every Sunday at 10.30 a.m. for a period of two months and thereafter as and when required for interrogation;

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

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

(e)on breach of any of the aforesaid conditions,



WEB COPY



Crl.O.P.No.4184 of 2023

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]***; and;

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

27.02.2023

gbi

To

1. The ***Sessions Judge, Principal POCSO Court, Salem***
2. The Inspector of Police,
All Women Police Station,
Kondalampatty,
Salem District.
- 3.The Superintendent
Central Prison, Salem.
- 4.The Public Prosecutor
High Court of Madras, Chennai.



WEB COPY



Crl.O.P.No.4184 of 2023

T.V. THAMILSELVI

gbi

Crl.O.P.No.4184 of 2023

27.02.2023