



Crl.OP.No.15077 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.OP.No.15077 of 2023

Kumaresan

..Petitioner

Vs.

State Rep by its,
Inspector of Police,
Kottapatti Police Station,
Dharmapuri District.
Crime No.120 of 2023

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with the case in Crime No.120 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.M.Subheramaniam

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.05.2023 for the offences punishable under Sections 363, 366 of IPC, Sections 5(1), 6(1) of POCSO Act, Section 9, 11 of Prohibition of Child Marriage Act, 2006 in Crime No.120 of 2023 on the file of the respondent police seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner and the victim girl were in love with each other and they got married. However, respondent police registered an FIR against the petitioner in Crime No.120 of 2023 for the offence under Sections 363, 366 of IPC, Sections 5(1), 6(1) of POCSO Act, Section 9, 11 of Prohibition of Child Marriage Act, 2006. Thus, he seeks bail to the petitioner.

3. In response, the learned Government Advocate (Crl. Side) submitted that, victim girl got eloped with the petitioner and got married to him. She also given statement under Section 164 of Cr.P.C., stating that, petitioner had sexual intercourse with her.



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4. Considering the fact that the victim girl eloped with the petitioner and they got married and that the petitioner is in Judicial Custody from 06.05.2023 and therefore the substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

5. 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 Fast Track Mahila Court, Dharmapuri** 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 daily at 10.30.a.m., until further orders.



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[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].

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

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To

1. Fast Track Mahila Court,
Dharmapuri.

2. Inspector of Police,
Kottapatti Police Station,
Dharmapuri District.

3. Sub Jail,
Dharmapuri.

4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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