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CrI.O.P.No.27719 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.OP.No.27719 of 2023

Manikandan

...Petitioner

Vs.

The State rep by,
Inspector of Police,
Kunnam Police Station,
Perambalur District.
Perambalur.
(Crime No.466 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in FIR in Crime No.466 of 2023 on the file of the respondent police.

For Petitioner : Mr.E.Balamurugan
For Respondent : Mr.R.Kishore Kumar
Government Advocate (CrI.Side)

ORDER

The petitioner seeks bail in Crime No.466 of 2023 registered by the respondent Police for the offences under Section 5 (j) (ii), 6 of POCSO Act and 9, 10 of Child Marriage Act. The petitioner was remanded to judicial custody on 07.11.2023.



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2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

3. It is stated that the petitioner had actually married the victim child, who is aged about 17 years and a child was also born in the hospital and at that time, when the age was given and since the victim child was a minor, the Child Welfare Committee had gone over to the hospital and registered the case.

4. Taking all the factors into consideration, this Court is inclined to grant bail to the petitioner subject to the following conditions.

5. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 **Sessions Judge, Mahila Court, Perambalur** 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.



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[b] the petitioner shall report before the respondent police everyday at 10.00 a.m. 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].

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

11.12.2023

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C.V.KARTHIKEYAN, J.

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To

1. The Sessions Judge, Mahila Court, Perambalur.

2.The Inspector of Police,
Kunnam Police Station,
Perambalur District.
Perambalur.
(Crime No.466 of 2023)

3.The Sub Jail, Perambalur.

4.The Public Prosecutor, Madras High Court.

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