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CRL O.P. No.26350 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.26350 of 2024

Gokulraj

... Petitioner / A1

Vs

State rep. by:-

The Inspector of Police,
All Women Police Station,
Jayankondam,
Ariyalur District.
(Crime No.79 of 2024)

... Respondent / Complainant

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the Petitioner on bail in Crime No.79 of 2024 on the file of the respondent police.

For Petitioner : Mr.T.Muruganantham
For Respondent : Mr.S.Vinoth Kumar
Government Advocate,
[Criminal side]



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ORDER

The Petitioner/A1 seeks bail in Crime No.79 of 2024 on the file of the respondent police for the offences punishable under Sections 9 and 10 of the Prohibition of the Child Marriage Act, 2006 and Section 5(1), (j)(ii) r/w 6, 17 of the Protection of Children from Sexual Offences Act, 2012. The petitioner was remanded to judicial custody on 29.09.2024.

2.The case of the prosecution is that the petitioner is aged about 25 years and the victim girl is aged about 17 years. The petitioner and the victim girl belong to same Village. They both fell in love and also they have exceeded their limits and the victim girl became pregnant. When the victim girl was taken to the hospital for medical checkup, the doctor ascertained the age of the victim girl. Since the victim girl was below the age of 18 years, the hospital authorities informed to the defacto complainant / the Protection Officer, Children Welfare Committee. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He



would further submit that the petitioner and the victim girl belong to same Village. They both were in love and exceed their limits and the victim girl became pregnant. When the victim girl's parent came to know about the pregnancy, they approached the parents of the petitioner and they have also accepted for performing marriage between the petitioner and the victim girl. This is a pure case of love affair and the defacto complainant lodged a false complaint against the petitioner. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that there is love affair between the petitioner and the victim girl and since the pregnancy of the victim girl is in advance stage, 164 statement of the victim girl is unable to record. He would further submit that there is no previous case pending against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the nature of offence and there is a love affair between the petitioner and the victim girl and that there is no previous case against the petitioner and also considering the period of



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incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] 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, Fast Track Mahila Court, Ariyalur, and on further conditions that:

[b] the Petitioner shall report before concerned POCSO Court on all working day at 10.30 a.m., until further orders.

[c] the Petitioner shall not commit any offences of similar nature.

[d] the Petitioner shall not abscond either during investigation or trial.

[e] the Petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

24.10.2024

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- 1.The Sessions Judge, Fast Track Mahila Court, Ariyalur.
- 2.The Inspector of Police,
All Women Police Station,
Jayankondam,
Ariyalur District.
- 3.Central Prison, Trichy.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J
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