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CrI.O.P.No.26786 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.26786 of 2024

Naveen
S/o.Chithambaram

... Petitioner

Vs.

State rep. by
The Inspector of Police
All Women Police Station
Harur,
Dharmapuri District
(Crime No.12 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail in Crime No.12 of 2024 on the file
of the respondent police.

For Petitioner : Mr.J.Pradeep

For Respondent : Mr.S.Vinothkumar
Government Advocate (CrI.Side)



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 15.10.2024, for the alleged offences punishable under Sections 363, 366 of IPC and Section 9 of Child Marriage Act, in Crime No.12 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the father of the victim girl requested protection via Toll Free No.1098 based on which, the defacto complainant who is the Welfare Officer of Kadathur, rescued the minor victim girl who is deaf and dumb and admitted her in Vivekananda Deaf School, wherein, with the help of Special Teacher, the victim girl informed that the petitioner took her by an Auto to Anna Nagar Putthu Koil and married her and thereafter, brought her to his house wherein, the mother of the petitioner removed the nuptial chain. Subsequently, the father of the victim girl arrived and took her back. Hence, this case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as



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alleged by the prosecution. He would further submit that the petitioner was arrested and is in judicial custody for more than 10 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police opposed for the grant of bail to the petitioner stating that the petitioner took the victim girl who is a minor as well as deaf and dumb to a temple and married her and thereafter, taken her to his house wherein, the mother of the petitioner has removed the nuptial chain. Subsequently, the father of the victim girl secured her and informed the same to defacto complainant who is the Welfare Officer. He further submitted that the statement of the victim girl has been recorded under Section 164(1) Cr.P.C. and that there is no previous case against the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report as well as the statement of the victim girl recorded under Section 164 (1) Cr.P.C.



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6. Considering the submissions of both side, nature of offence, even as per the statement of the victim girl there was a love affair between her and the petitioner herein and the fact that there is no previous case against the petitioner, and considering the period of incarceration undergone by the petitioner from 15.10.2024, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain 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 Judicial Magistrate, Harur**, and on further conditions that:-

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



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

[e] 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]; and

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

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To
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- 1.The Judicial Magistrate, Harur
- 2.The Inspector of Police
All Women Police Station
Harur,
Dharmapuri District
- 3.The Superintendent of Prison
Central Prison, Salem
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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