



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Eighteenth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

WEB COPY

CRL OP(MD) No.12297 of 2017

1 SATHAKUTTI
2 THIRAVIAM

... PETITIONERS/A-1 & A-2

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIVAIKUNDAM,
THOOTHUKUDI DISTRICT.
CRIME NO.6 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.K.MANICKAM Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

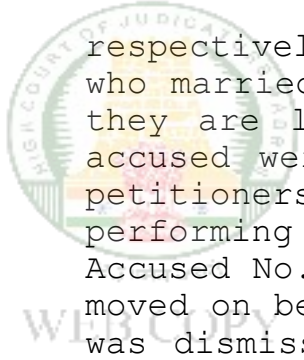
ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 29.08.2017, for the offences punishable under Sections 9,10 and 11 of the Prohibition of Child Marriage Act, 2006 and Sections 5(1), 6 r/w 16 of POCSO Act, 2012, in Crime No. 6 of 2017, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the accused in this solemnized the marriage between the minor victim girl, who is aged about 15 years, and A4/Kumar @Muthukumar and after the marriage, they are living together.

3. The learned counsel appearing for the petitioner states the petitioners are the parents of the victim girl, who fell love with fourth accused/Kumar @Muthukumar in this case and eloped with him on her own. The petitioners were falsely implicated by the social welfare officer and by the respondent police for statistical purpose and further submitted that they were in custody from 29.08.2017 onwards.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that initially there were 18 accused in this case. After investigation, 14 accused were deleted from the case and the case is pending only against 4 accused. The petitioners herein were arrayed as A1 and A2



respectively. A3 in this case is the mother of A4. A4 is a person, who married the victim girl, aged about 15 years and after marriage they are living together. He further submitted that all the four accused were arrested and they are in still judicial custody. The petitioners herein are the parents of the victim girl, who were performing the marriage of the victim girl, aged about 15 years with Accused No.4. He further submitted that an earlier bail application moved on behalf of these petitioners in CrI.O.P(MD).No.11890 of 2017 was dismissed by this Court on 08.09.2017. The present application is filed for seeking bail second time and the investigation is still pending.

5. Considering the above facts and circumstances of the case and also considering the fact that all the accused in this case were arrested and remanded to judicial custody and the petitioners are in the judicial custody from 29.08.2017 onwards. The petitioners are the parents of the victim girl, who is aged about 15 years and performed her marriage with Accused No.4 in this case, this Court is inclined to grant bail to the petitioners subject to certain conditions.

6. Accordingly, the petitioners are 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, Srivaikundam, Tuticorin District, and on further condition that:

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

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law, as if the conditions have been imposed and the petitioners 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]**.

sd/-

18/09/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM, TUTICORIN DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIVAIKUNDAM, THOOTHUKUDI DISTRICT

4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI

5 THE OFFICER-IN-CHARGE, WOMEN PRISON, KOKKIRAKULAM, TIRUNELVELI

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.A.K.MANICKAM Advocate SR.No.30874

ORDER

IN

CRL OP(MD) No.12297 of 2017

Date :18/09/2017

PK/PM-PN/SAR-3/18.09.2017 : 3P/8C