



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

Wednesday, the First day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14726 of 2017

MUTHUKUMAR @ KUMAR

... PETITIONER/ACCUSED NO.4

Vs

THE 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.ANANDAN Advocate

For Respondent : MR.K.ANABARASAN Government Advocate (Crl. Side)

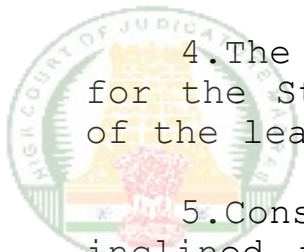
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Accused No.4, who was arrested and remanded to judicial custody on 30.08.2017, for the offences punishable under Sections 9, 10, 11 of Prohibition of Child Marriage Act, 2006 and Section 5(1), 6 r/w. 16 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) in Crime No.6 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the marriage between the victim girl, aged about 15 years and the petitioner/A4 was performed by their parents and after marriage both of them were living as husband and wife. However, a complaint was lodged before the Social Welfare Officer. Accordingly, the Social Welfare Officer registered a case against both the families.

3.The learned counsel appearing for the petitioner would submit that he is an innocent and he did not commit any offence as alleged by the prosecution. He further submitted that this Court has already granted bail to the co-accused who are arrayed as A1 to A3 in Crl.O.P.(MD)No.12362 of 2017 on 19.09.2017 and the petitioner is in judicial custody for more than 61 days. Hence, he prayed for bail.



4.The learned Government Advocate (Criminal side) appearing for the State submitted that he has also conceded the request of the learned counsel for the petitioner.

5.Considering the facts and circumstances of the case, I am inclined to grant bail to the petitioner. The petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Sessions Judge/Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent police, daily at 10.30 a.m., until further orders;

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii)the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(iv) the petitioner shall not commit any offence while on bail;

(v)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 and the bail granted stands cancelled automatically.

sd/-
01/11/2017

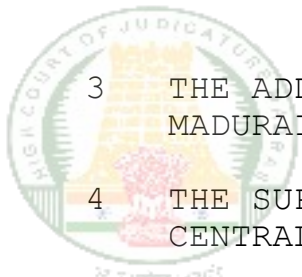
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

mrn
TO

1 THE JUDICIAL SESSIONS JUDGE
MAHALIR NEETHIMANDRAM (FAST TRACK MAHILA COURT),
THOOTHUKUDI

2 THE INSPECTOR OF POLICE
WOMEN POLICE STATION, SRIVAICKUNDAM,
THOOTHUKUDI DISTRICT.



3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.

+1. CC to M/S.A.ANANDAN Advocate SR.No.33682

GJM/CM/SAR-I-2.11.2017-3P-6C

ORDER

IN

CRL OP (MD) No.14726 of 2017

Date :01/11/2017