



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

Thursday, the Fifteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2403 of 2018

KANNADASAN

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, PUDUKOTTAI,
TUTICORIN DISTRICT.
CRIME NO.13 OF 2017.

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.G.RADHAKRISHNAN Advocate

For Respondent :MR.K.SUYAMBULINGA BHARATHI Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

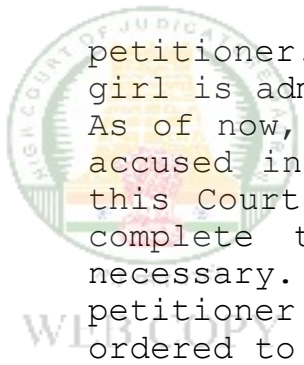
The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 04.01.2018 for the alleged offences punishable under Sections 9, 10 and 11 of Prohibition of Child Marriage Act and Section 6 of POSCO Act, 2012, in Crime No.13 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner married the minor girl and the other accused had arranged the marriage. Hence, the case has been registered against the petitioner and other accused persons for the above said crime.

3.The learned counsel representing the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the petitioner is the husband of the defacto complainant and at the time of marriage the defacto complainant is aged about 17 years. According to the prosecution, the investigation is in progress.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner married the minor girl, who was aged about 17 years, for which this case has been registered against the



petitioner. The relationship between the petitioner and the victim girl is admitted by the learned Government Advocate (Criminal side). As of now, part of the investigation is completed. Further, the co-accused in this case are all already granted anticipatory bail by this Court in CrI.O.P.(MD).No.1343 of 2018. Therefore, in order to complete the investigation, custodial interrogation may not be necessary. Hence, this Court is inclined to grant bail to the petitioner with some conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

- (i) 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 learned Mahila Judge, Tuticorin;
- (ii) the petitioner shall report before the respondent police, daily at 10.00 a.m., until further orders;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioner shall not commit any offence while on bail;
- (v) the petitioner shall not abscond either during investigation or trial;
- (vi) on breach of any of the aforesaid conditions, the bail granted to the petitioner shall stand automatically cancelled and 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 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/-
15/02/2018

/ TRUE COPY /

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

TO

- 1 THE MAHILA JUDGE, TUTICORIN.
 - 2 THE DISTRICT JUDGE, PERAVOORANI, TUTICORIN DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, PUDUKOTTAI, TUTICORIN DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.G.RADHAKRISHNAN Advocate SR.No.2501

ORDER IN
CRL OP(MD) No.2403 of 2018
Date :15/02/2018