



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

Friday, the Ninth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3676 of 2018

MERVIN RAJA @ MERBIN RAJA

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
TIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.
IN CR.NO. 12/2018

... RESPONDENT / COMPLAINANT

For Petitioner: M/S.T.A.EBENEZER 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, who is arrayed as accused No.1, was arrested and remanded to judicial custody on 22.01.2018 for the offences punishable under Sections 366, 506(i) of IPC and Section 9 of Child Marriage Act and Section 12 of POCSO Act in Crime No.12 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, on 20.01.2018, the petitioner kidnapped the victim girl, aged about 16 years, celebrated the marriage with her and made penetrative sexual assault on her. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

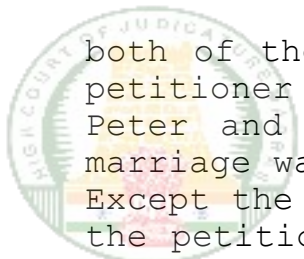
3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 22.01.2018. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that investigation of the case is under progress.

5.The submissions made by the learned counsel appearing on either side are considered.

<https://hcservices.ecourts.gov.in/hcservices/>

6. It is alleged that before the occurrence, the petitioner herein fell in love with the victim girl, therefore, on 15.01.2018,



both of them went to Pollachi. subsequent to moving Pollachi, the petitioner and the victim girl viz., Monisha are stayed with one Peter and thereafter, on the next day i.e., on 16.01.2018, the marriage was solemnized between the petitioner and the said Monisha. Except the above allegation no other allegation was levelled against the petitioner in the alteration report submitted by the respondent police. As of now, the petitioner is in judicial custody from 22.01.2018. Considering the nature of offence committed by the petitioner and also considering the period of incarceration, further custodial interrogation of the petitioner may not be necessary for completing the investigation. Considering the gravity of offence, this Court is inclined to enlarge the petitioner on bail subject to some stringent 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 Judicial Magistrate, Thiruchendur;

(ii) the petitioner shall stay at Namakkal and report before the Inspector of Police, Town Police Station, Namakkal, daily at 10.00 a.m. until further orders;

(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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/-

09/03/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUCHENDUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
 - 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
 - 4 THE INSPECTOR OF POLICE
TIRUCHENDUR POLICE STATION, THOOTHUKUDI DISTRICT.
 - 5 THE INSPECTOR OF POLICE, TOWN POLICE STATION, NAMAKKAL.
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.T.A.EBENEZER Advocate SR.No.3803

ORDER IN

CRL OP(MD) No.3676 of 2018

Date :09/03/2018