



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

WEB COPY

CRL OP (MD) No.3710 of 2018

AYYAMPERUMAL

... PETITIONER/ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUCHENDUR, TUTICORIN DISTRICT.
IN CRIME NO.1/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.RADHAKRISHNAN, Advocate
For Respondent : M/S.K.SUYAMBULINGA BHARTHI, 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 06.01.2018 for the offences punishable under Sections 9, 10, 11 of Prohibition of Child Marriage Act and Section 5(i) r/w. Section 6 of POSCO Act, 2012 in Crime No.1 of 2018, on the file of the respondent police, seeks bail.

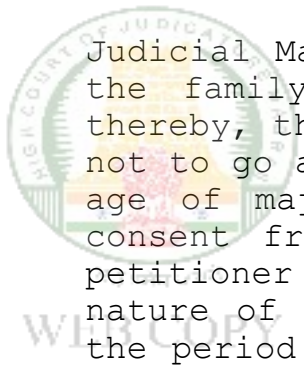
2.The case of the prosecution is that, the petitioner married the victim girl, who is aged about 17 years, without her consent and made aggravated sexual assault on her. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

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 06.01.2018. 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.

6. Admittedly, the petitioner is the husband of the victim girl. On going through the statement recorded by the learned



Judicial Magistrate No.III, Tuticorin, it would appear, only due to the family dispute, the victim girl left the matrimonial home, thereby, the petitioner herein requested her through mobile phone as not to go anywhere. Even though the petitioner has not attended the age of majority, the marriage was solemnized only after getting consent from the mother of the victim girl. As of now, the petitioner is in judicial custody from 06.01.2018. 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. Hence, this Court is inclined to enlarge the petitioner on bail. 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 No.III, Tuticorin;

(ii) the petitioner shall appear before the respondent Police 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 NO.III, TUTICORIN.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT PRISON,
PERAVOORANI, TUTICORIN DISTRICT.
4. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
TIRUCHENDUR, TUTICORIN DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.RADHAKRISHNAN Advocate SR.No.3773

ORDER IN

CRL OP(MD) No.3710 of 2018

Date :09/03/2018