

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
 (Criminal Jurisdiction)
 Wednesday, the Twenty Ninth day of May Two Thousand Nineteen
 PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.7478 of 2019

M.MANICKAM

...PETITIONER / SOLE ACCUSED

Vs

STATE THROUGH
 THE INSPECTOR OF POLICE
 ALL WOMEN POLICE STATION,
 SAMAYANALLUR,
 MADURAI DISTRICT
 CR.NO.12/2019

... RESPONDENT /COMPLAINANT

For Petitioner : Mr.R.ALAGUMANI Advocate

For Respondent : Mr.R.ANANDARAJ, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who is the sole accused in this crime, was arrested and remanded to judicial custody on 28.03.2019 for the offences punishable under Sections 5 (i), 5 (j) (ii) and Section 6 of Protection of Children from Sexual Offences Act, 2012 and Section 9 & 10 of Prohibition of Children Marriage Act, 2006, in Crime No.12 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is a minor girl. The petitioner and the defacto complainant are lovers before the date on which the case was registered. The petitioner made a false promise of getting marriage with the defacto complainant and had sexual relationship with her. Thereafter, the petitioner married the defacto complainant in nearby temple and lived separately. In the mean time, someone called to helpline 1098 and the said officials enquired about the matter. 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 names has been falsely implicated in this case. He further submitted that the petitioner and the victim girl are lovers. Further, the marriage between the petitioner and the victim girl was solemnized only after getting consent of their parents. He further submitted that the petitioner

is in judicial custody from 28.03.2019. Hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the State submitted that the investigation of the case is completed.

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

6. Considering the fact and circumstance of the case particularly on consideration the period of incarceration, further detention is not necessary for completing investigation. Hence, 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, for a like sum to the satisfaction of the learned District and Session Judge, Mahila Neethimandram, Madurai;

(ii) the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

(iii) the petitioner shall stay at Theni and report before the Inspector of Police, Theni Town Police Station, Theni, daily at 10.00 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

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

(v) the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A IPC;

(vi) 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/-
29/05/2019

/ TRUE COPY /

TO

1.THE DISTRICT AND SESSIONS JUDGE,
MAHILA NEETHIMANDRAM, MADURAI.

2.THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SAMAYANALLUR,
MADURAI DISTRICT

3.THE INSEPCTOR OF POLICE
THENI TOWN POLICE STATION, THENI.

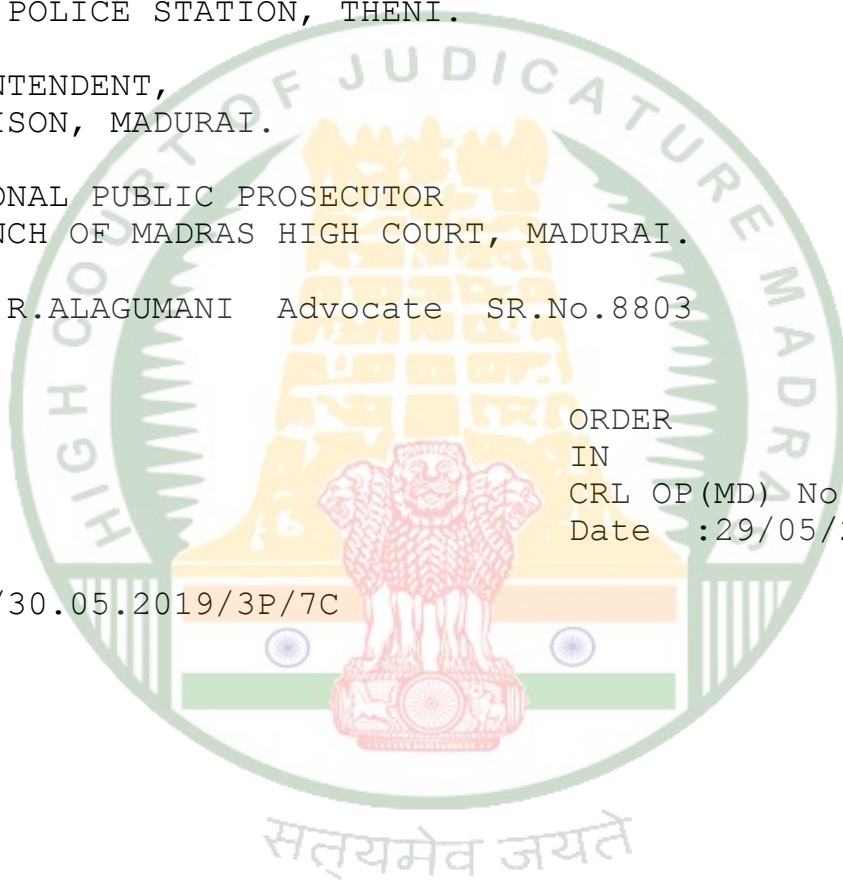
4.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. CC to MR.R.ALAGUMANI Advocate SR.No.8803

ORDER
IN
CRL OP(MD) No.7478 of 2019
Date :29/05/2019

TK/MMS/SAR-4/30.05.2019/3P/7C



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