



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

Tuesday, the Twenty Sixth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2961 of 2019

MANIKANDAN

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
SATTUR TOWN POLICE STATION,
SATTUR, VIRUDHUNAGAR DISTRICT,
CRIME NO.12/2019

... RESPONDENT/COMPLAINANT

For Petitioner : MR.K.SANKAR, Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner who was arrested on 14.01.2019 for the offences under Sections 366(A), Section 9 of Child Marriage Act and Section 3 r/w. 4 of POCSO Act, 2012 ,in Cr.No.12 of 2019, on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the daughter of the defacto complainant aged about 15 years and the petitioner had love affair with each other and they got married. Thereafter they were separated . Again the defacto complainant's daughter eloped with the petitioner and got conceived , thereby the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that both the petitioner and the defacto complainant's daughter loved each other and the marriage has taken place with the consent of their parents and hence, he would pray for bail to the petitioner.

4.The learned Additional Public Prosecutor on instructions would submit that the defacto complainant's daughter went with the



petitioner on her own volition and marriage has been performed. Since the girl is minor the girl is secured and sent to home.

5. Considering the nature of the case and considering the period of incarceration and also considering the fact that the defacto complainant's daughter went along with the petitioner on her own volition, I am inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Srivilliputhur and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

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

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

(e) 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 as if the conditions have been imposed and the petitioner released on bail by the learned 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
26/02/2019

/ TRUE COPY /

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



TO

1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT, SRIVILLIPUTHUR.

2 THE INSPECTOR OF POLICE
SATTUR TOWN POLICE STATION, SATTUR,
VIRUDHUNAGAR DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR DISTRICT

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

+1. CC to Mr.K.SANKAR Advocate SR.No.3822

ORDER

IN

CRL OP(MD) No.2961 of 2019

Date :26/02/2019

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TK/PN/SAR-1/26.02.2019 : 3P/6C