



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

Monday, the Fifteenth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5229 of 2019

GUNASEKARAN

... PETITIONER / ACCUSED No.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THOOTHUKUDI DISTRICT.
Crime No.10 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.V.SELVA 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 and remanded to judicial custody since 12.03.2019 for the offences punishable under Sections 9,10,11 of Prohibition of Child Marriage Act 2006 and Section 6 of POCSO Act, 2012 in Crime No.10 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the marriage between the petitioner herein and the victim was arranged by the consent of both the parents. However, the same was informed to the Social Welfare Officer, thereafter the Social Welfare Officer registered a complaint before the respondent police. Thereafter the victim girl was secured and sent to home.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. The co-accused persons in this case are already arrested and enlarged on bail by this Court. Accordingly, he prayed for bail.

4.The learned Additional Public Prosecutor appearing for the state would submit that investigation is pending.



5. Considering the facts and circumstances of the case and considering the period of incarceration and also considering the fact that the co-accused persons are already enlarged on bail, this Court is inclined to grant bail to the petitioner.

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6. 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 Sessions Judge, (FAC) Mahila Court, Thoothukudi District and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned 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 as and when required for interrogation;

(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/-
15/04/2019

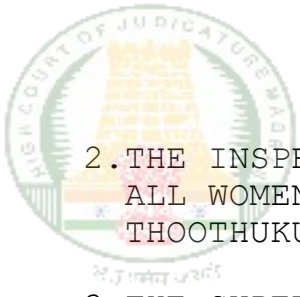
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE SESSIONS JUDGE, (FAC)

<https://hcservices.courts.gov.in/hcservices/>
MAHILA COURT, THOOTHUKUDI DISTRICT.



2. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THOOTHUKUDI DISTRICT.

3. THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI,
TIRUNELVELI.

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

+1. CC to Mr.V.SELVA Advocate SR.No.6776

ORDER

IN

CRL OP(MD) No.5229 of 2019

Date :15/04/2019

TK/PN/SAR-1/15.04.2019/3P/6C