



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

Friday, the Eleventh day of January Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.586 of 2019

LOGESHWARAN

... PETITIONER / ACCUSED NO.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
RAYAPPANPATTI POLICE STATION,
THENI DISTRICT.
(CRIME NO.318/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.SARAVANA KUMAR Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 18.11.2018 for the offences punishable under Sections 9,10,11 of Prohibition of Child Marriage Act ,2006, 5(i) and 6 ,7,8 &17 of Protection of Children from sexual offences Act, 2012 (POCSO Act) in Crime No.318 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant and the petitioner herein loved each other. The petitioner herein along with other accused arranged marriage for the petitioner and the defacto complainant and the marriage was solemnized between them on 29.08.2018 at the instance of other accused. After marriage the petitioner herein had sexual intercourse with the defacto complainant and also the second accused herein has attempted to outrage her modesty. Hearing the same, the defacto complainant's parents preferred a complaint.

3. The learned counsel for the petitioner would submit that petitioner has been falsely implicated as an accused and he has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate(Crl.Side) would submit that the investigation is pending.



5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the Mahila Court, Theni and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

11/01/2019

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

TO

- 1 THE MAHILA COURT, THENI.
- 2 THE INSPECTOR OF POLICE,
RAYAPPANPATTI POLICE STATION,
THENI DISTRICT.
- 3 THE OFFICER INCHARGE,
BARSTAL SCHOOL, MELUR,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.J.SANKARAPANDIAN, Advocate SR.No. 790

ORDER

IN

CRL OP(MD) No.586 of 2019

Date :11/01/2019