



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

Tuesday, the Thirtieth day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.6532 of 2019

SELVA VIGNESH,

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY  
THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION, KARAIKUDI,  
SIVAGANGAI DT.  
(CRIME.NO.6 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.GANDHI 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 24.03.2019 for the offences punishable under Sections 11 of Prohibition of Child Marriage Act 2006 and Section 6 r/w 5(1), 6r/w 5(j)(ii) of Protection of Children from Sexual Offences Act, 2012 Crime No. 6 of 2019 on the file of the respondent police, seeks bail.

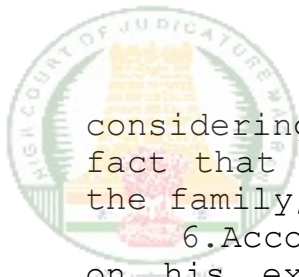
2. The age of the victim is 17 years. The case of the prosecution is that the petitioner and the victim girl are lovers and with the consent of parents of the victim and the petitioner the marriage was performed, thereby the local people gave a complaint to the Rural Welfare Officer, thereby he lodged a complaint to the respondent police.

3.The learned for the petitioner would submit that the petitioner marriage between the petitioner and the victim was solemnized only with the consent of both family and the petitioner is innocent. Hence he prayed for bail.

4.The learned Additional Public Prosecutor appearing for the State did not dispute the fact submitted by the learned counsel for the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Considering the facts and circumstances of the case and



considering the period of incarceration and also considering the fact that the marriage was performed only with the consent of both the family, this Court is inclined to grant bail to the petitioner.

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 Fast Track Mahila Court, Sivagangai 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/-

30/04/2019

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

TO

1 THE FAST TRACK MAHILA COURT, SIVAGANGAI.

2 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION, KARAIKUDI, SIVAGANGAI DT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

+1. CC to MR.R.GANDHI Advocate SR.No.7818  
PS/JC/SAR-2/30.04.2019/2P/6C

ORDER

IN

CRL OP (MD) No.6532 of 2019

Date : 30/04/2019