



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.7225 of 2019

ALEXPANDI

... PETITIONER/ACCUSED No.1

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
RAJATHANI POLICE STATION,
THENI,
THENI DISTRICT.
CRIME.NO.103/2019

... RESPONDENT/COMPLAINANT

For Petitioner : MR.R.SHANKAR GANESH Advocate

For Respondent : MR.K.K.RAMAKRISHNAN, Additional Public Prosecutor

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

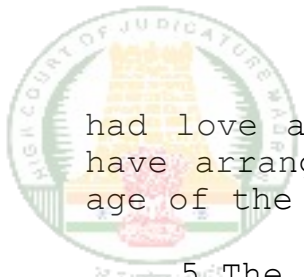
ORDER : The Court Made the following order :-

The petitioner/ Accused No.1, who was arrested and remanded to judicial custody on 05.04.2019 for the offences punishable under Sections 9 and 10 of the Child Marriage Restrained Act, 1929 and Section 6 of POCSO Act, 2012 in Crime No.103 of 2019 on the file of the respondent police, seeks bail.

2.Heard Mr.R.Shankar Ganesh, learned counsel for the petitioner and Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor appearing for the State.

3.It is the case of the prosecution that the petitioner and his relatives made arrangements for a marriage for the petitioner with the victim girl, who is minor. On the complaint of the Social Welfare Officer, this case has been registered for the offences under Sections 9 and 10 of the Child Marriage Restrained Act, 1929 and Section 6 of POCSO Act, 2012.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offences as alleged by the prosecution. The learned counsel further submitted that the petitioner was arrested on 05.04.2019 and he is languishing in the jail for the past 40 days. According to the petitioner, he



had love affair with the victim girl and therefore, the relatives have arranged marriage in a routine manner without considering the age of the victim girl.

5. The learned Additional Public Prosecutor oppose for the grant of bail as the investigation of the case is not yet over.

6. Taking into consideration of the fact that a substantial portion of the investigation is over and also the fact that the petitioner has already suffered incarceration for more than 40 days, this Court is inclined to grant bail to the petitioner subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the learned Additional Sessions Judge (Mahila Court), Theni, and on further conditions that:-

[a] the petitioner as well as 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;

[b] the petitioner shall report before the respondent police as and when required;

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

[d] 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 absconds, the respondent police shall register a case as provided under Section 229-A IPC and

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioner, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-
15/05/2019

/ TRUE COPY /

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



1. THE ADDITIONAL SESSIONS JUDGE,
MAHILA COURT, THENI.

2. THE OFFICER INCHARGE,
DISTRICT PRISON, THENI

3. THE INSPECTOR OF POLICE,
RAJATHANI POLICE STATION,
THENI DISTRICT.

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

+1. CC to MR.R.SHANKAR GANESH, Advocate SR.No.8479

ORDER

IN

CRL OP(MD) No.7225 of 2019

Date :15/05/2019

MYR

PK/PN/SAR-2/17.05.2019 : 3P/6C