



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

Wednesday, the Nineteenth day of June Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.7260 of 2019

SATHISHKUMAR

... PETITIONER /SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THEVARAM POLICE STATION,
THEVARAM, THENI DISTRICT.
CRIME NO.139/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.N.PRAGALATHAN Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

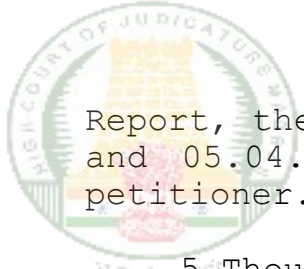
ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ sole accused seeking bail for the alleged offence under Sections 9 of the Prohibition of Child Marriage Act,2006 and Section 6 of the Protection of Children from Sexual Offences Act,2012.

2. Heard both sides

3. The learned counsel for the petitioner would submit that the due to previous enmity the defacto complainant has lodged a false complaint against the petitioner herein. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 05.04.2019 and he is in custody for the past 44 days. Therefore he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the defacto complainant loved the petitioner herein, who is the maternal uncle of the her. Hence on 15.03.2019 the petitioner got married the defacto complainant, who is aged about about 14 years and the said marriage came to the knowledge of the Child Welfare committee and thereafter the defacto complainant gave a complaint. he has also produced the statement given by the victim under Section 164 Cr.P.C. He would also submit that as per the First Information



Report, the petitioner had sexual intercourse with her on 04.04.2019 and 05.04.2019. Hence he strongly opposed to grant bail to the petitioner.

5. Though the victim girl has stated in the FIR that the petitioner had sexual intercourse with her several times between 15.03.2019 and 29.03.2019 in the statement given under Section 164 Cr.P.C, the victim girl has not stated anything about the aforesaid facts. Taking into consideration of the aforesaid facts and also considering the fact that the petitioner is in custody for the past 44 days, this Court is inclined to grant bail to the petitioner by imposing conditions:

[a] 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 each for a like sum to the satisfaction of the Mahalir Fast Track Court, Theni.

[b] the petitioner shall report before the Respondent Police, daily at 10.30A.M for a period of One Month and thereafter, as and when required for the interrogation.

[c] the petitioner shall not abscond either during investigation or trail.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trail.

[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].

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

sd/-
19/06/2019

/ TRUE COPY /

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

TO

1 THE JUDGE,
MAHALIR FAST TRACK COURT,

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

THENI.



2 THE INSPECTOR OF POLICE,
THEVARAM POLICE STATION,
THEVARAM, THENI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, THEKKAMPATTI,
THENI DISTRICT.

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

+1. CC to M/S.N.PRAGALATHAN Advocate SR.No. 10024

ORDER

IN

CRL OP (MD) No.7260 of 2019

Date :19/06/2019

JM/VR/SAR 3/19.06.2019/3P/6C