



WEB COPY

CRL OP(MD) . No.11920 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11920 of 2019

1.K.Chinnasamy
2.C.Velthai

... Petitioners/Accused
No.2 and 3

Vs

State Represented by
The Inspector of Police,
All Women Police Station,
Uthamapalayam
Theni District.
Crime No. 13 of 2019.

... Respondent/Complainant

For Petitioners : M/s.A.Arputharaj,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 13 of 2019 of the file of the
Respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused-2 and 3 seeking bail for the alleged offence under Section 9 of Child Marriage Act 1929 and 294(b), 324 @ Sections 9,10 of Child Marriage Act and 294(b), 324 of IPC and 17,18 of POCSO Act, 2012 @ Sections 9,10 of Child Marriage Act and 294(b), 324 of IPC and 6,17 of POCSO Act, 2012

2. Heard both sides



3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in the above case. He further submitted that the petitioners were arrested and remanded to judicial custody on 19.07.2019 and from that date onwards they are in custody. Therefore he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners herein have arranged for child marriage. Hence he strongly opposed to grant bail to the petitioners.

5. Taking into consideration of the fact that the petitioners are parents of A1 and the main allegations are made against A1 only and so far these petitioners are concerned they have made arrangement for child marriage and also the fact that the petitioners are in custody for the past 38 days, this Court is inclined to grant bail to the petitioners by imposing conditions:

[a] the petitioners are 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 Fast Track Mahila Sessions Judge, Theni.

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

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
27/08/2019

/ TRUE COPY /

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



TO

1. THE FAST TRACK MAHILA SESSIONS JUDGE,
THENI.

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UTHAMAPALAYAM
THENI DISTRICT.

3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. CC to Mr.A.ARPUTHARAJ Advocate SR.No.14110

ORDER

IN

CRL OP(MD) No.11920 of 2019

Date : 27/08/2019

aav

TK/VR/SAR.3/28.08.2019/3P/6C