



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/09/2019

WEB COPY

PRESENT

The Hon'ble Mr. Justice G.R. SWAMINATHAN

CRL OP(MD). No.12629 of 2019

Malik Batcha

... Petitioner/Sole Accused

Vs

1. The State rep.by
The Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur District,
(Crime No. 26 of 2019).

2. The Inspector of Police,
All Women Police Station,
Kumbakonam,
Thanjavur District.

... Respondents/Complainants

For Petitioner : M/s.K.M.Karunakaran,
Advocate.

For Respondents : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

for Bail in Crime No.26 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody since 13.06.2019 for the offences punishable under sections 366 of IPC r/w Section 6, 5(j) (ii), 5(1) of POSCO Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006 in Crime No. 26 of 2019 on the file of the respondent police. He seeks bail.



3. The victim is now nine months pregnant. The petitioner gives an undertaking that he would marry the victim under the Special Marriage Act, after she attains majority. He also owns up the paternity of the child this is growing in the womb of the victim. He is also ready to maintain the victim as well as child.

WEB COPY 4. Recording this undertaking given by the petitioner, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall execute 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 learned Judicial Magistrate No.2, Kumbakonam, Thanjavur District.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

[v] 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].

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

sd/-
12/09/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II
KUMBAKONAM, THANJAVUR DISTRICT.

2 -DO-THRO- THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.



- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE
KUMBAKONAM TALUK POLICE STATION,
THANJAVUR DISTRICT
- 5 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KUMBAKONAM,
THANJAVUR DISTRICT
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate
(SR-15273[I] dated 12/09/2019)

ORDER
IN
CRL OP(MD) No.12629 of 2019
Date :12/09/2019

RMI
ES/PN/SAR 3/12.09.2019/3P/8C