



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

Date : 07/01/2020

PRESENT

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

WEB COPY

CRL OP(MD). No.108 of 2020

Mohanraj

... Petitioner/Accused
(Rank not known)

Vs

State rep.by its
Inspector of Police,
All Women Police Station,
Vallam,
Thanjavur District,
Crime No.239/2019.

... Respondent/Complainant

For Petitioner : M/s.R.Ilayaraja,
Advocate.

For Respondent : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.239 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 Additional Public Prosecutor appearing for the respondent.

2. The petitioner is in custody since 08.11.2019, for the offences under Section 366(A) of I.P.C., Sections 5(j)(ii) and 5(i) of Protection of Children from Sexual Offences Act and Section 9 of Child Marriage Act, in Crime No.239 of 2019, on the file of the respondent police. Hence, he seeks bail.

3. The petitioner's counsel on instructions gives an undertaking that the petitioner will marry the victim after she attains majority, if she is still willing. He gives a further undertaking that the petitioner after coming out on bail will file an affidavit before the Court below in this regard.



4. Subject to these undertakings, 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;

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(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 Mahila Court, Thanjavur.

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

(iii) 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].

sd/-
07/01/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDGE,
MAHILA COURT, THANJAVUR
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, VALLAM, THANJAVUR DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.ILAYARAJA, Advocate (SR-273[I] dated 07/01/2020)

ORDER IN
CRL OP(MD) No.108 of 2020
Date :07/01/2020

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<https://hccs.vsnl.net.in/Redr/CaseDetails.aspx?CaseNo=2020/2P/6C>