



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/01/2020

PRESENT

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

WEB COPY

CRL OP(MD). No.879 of 2020

Kathiravan

... Petitioner/Accused No.1

Vs

State through Sub Inspector of Police,
All Women Police Station,
Aruppukkottai,
Virudhunagar District.
(In Crime No.15/2019).

... Respondent/Complainant

For Petitioner : M/s.G.Mariappan,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.15/2019 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 23.11.2019 for the offences punishable under sections 294(b), 323, 420, 406, 506(i) of I.P.C., and Sections 9 and 10 of Child Marriage Prohibition Act and Section 5(i), 6 and 17 of POCSO Act, and Section 4 of Dowry Prohibition Act, in Crime No.15 of 2019 on the file of the respondent police. He seeks bail.

3. The case of the prosecution is that the petitioner had projected himself as police man and that is how, the marriage alliance was finalized.



4.The defacto complainant has alleged that the jewels given at the time of marriage were pledged by the petitioner herein. She also alleges serious acts of marital cruelty.

5.I told the petitioner's counsel that unless the petitioner is willing to be put on terms, I would not be inclined to grant relief. The matter was passed over.

6.The petitioner's counsel, on instructions, states that the petitioner would pay a sum of Rs.1,00,000/- to the defacto complainant(his wife) as interim alimony. He also stated that the petitioner is very much willing to take back the wife. The petitioner only seeks time to make the said payment after coming out on bail.

7.The petitioner is given two weeks to pay the said amount after coming out on bail. The petitioner shall take a demand draft for a sum of Rs.1,00,000/- favouring the defacto complainant and file the same before the Court below. The Court below shall arrange to pass on the original demand draft to the victim through the respondent police.

8.Subject to this condition, 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 Special Court (POCSO Act Cases), Virudhunagar.

(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/-
22/01/2020

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



TO

1 THE SPECIAL JUDGE (POCSO ACT CASES),
VIRUDHUNAGAR

2 THE SUB INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ARUPPUKKOTTAI,
VIRUDHUNAGAR DISTRICT.

3 THE OFFICER IN CHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.

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

+1 CC to M/s.G.MARIAPPAN, Advocate (SR-1155[I] dated 22/01/2020)

ORDER
IN
CRL OP(MD) No.879 of 2020
Date :22/01/2020

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ES/VR/SAR 1/22.01.2020/3P/6C