



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

Date : 12/06/2020

PRESENT

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

CRL OP (MD) . No.6091 of 2020

Ashok

... Petitioner/Accused No.1

Vs

The State rep. by
The Sub Inspector of Police,
All Women Police Station,
Jeeyapuram,
Trichy District.
Cr.No.10 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.Muthukrishnan,
Advocate.

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

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

PRAYER :-

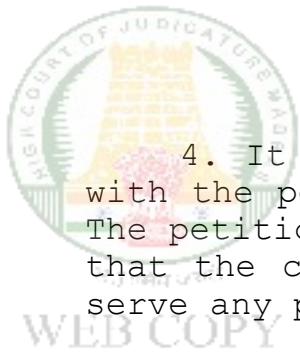
For Bail in Crime.No. 10 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

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

2. The petitioner is arrayed as A1. He was arrested and remanded to Judicial Custody on 22.04.2020 for the offence under Section 9 of Prohibition of Child Marriage Act, 2006 in Crime No.10 of 2020 on the file of the respondent police. He seeks bail.

3. The learned counsel for the petitioner states that under compulsion from the girl's parents, the petitioner had consented for the marriage.



4. It appears that the girl has expressed her desire not to be with the petitioner and the girl is in verge of attaining majority. The petitioner is in custody for more than 50 days. I am of the view that the continued incarceration of the petitioner is not going to serve any purpose. Hence, bail is granted.

5. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall be released on own bond by the Magistrate without insisting on sureties. However, the petitioner is directed to 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 Judge, Mahila Court, Tiruchirappalli, after the concerned Court is reopened on regular basis.

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

(iii) on breach of any of the aforesaid conditions, the Judge/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 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/-
12/06/2020

/ TRUE COPY /

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDGE,
MAHILA COURT,
TIRUCHIRAPPALLI.



2. THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY.

3. THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
JEEYAPURAM,
TRICHY DISTRICT

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

ORDER

IN

CRL OP (MD) No.6091 of 2020

Date :12/06/2020

PM

SRS/ VR/ SAR-II/ 15.06.2020/ 3P/5C