



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

Date : 29/06/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
CRL OP(MD) . No.6800 of 2020

Kannan,
S/o. Thangasami, Sathiya Colony,
Gandamanoor, Andipatty Taluk,
Theni District... ... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Gandamanoor Police Station, Gandamanoor,
Theni District. (Crime No. 119/2020).
... Respondent/Complainant

For Petitioner : M/s. K.Arunraj,
Advocate.
For Respondent : Mr.R.Anandharaj,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.119/2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

2.This petition has been filed by the petitioner/ accused seeking bail for the alleged offence punishable under Sections 9,10,11 of Prohibition of Child Marriage Act 2006 and Section 6 and 17 of the Protection of Children from Sexual Offences Act, 2012.

3. 164 Cr.P.C statement of the victim perused. It appears that the petitioner was made to believe by the victim girl that she is above 18 years of age and therefore he contacted marriage with the victim girl.

4. The learned counsel for the petitioner would submit that both the petitioner and the victim are lovers and after the victim attains majority the petitioner is ready to marry her.

5. The learned Additional Public Prosecutor would submit that co- accused in this case was granted anticipatory bail by this Court.

6. Considering the facts and circumstances of the case and also considering the fact that co- accused in this case was granted anticipatory bail, this Court is inclined to grant bail to the



petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the Mahila Court, Theni.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police as and when required for interrogation.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during 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/-

29/06/2020

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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, Theni.
2. The Officer Incharge,, Sub Jail, Dindigul
3. The Inspector of Police,
Gandamanoor Police Station, Gandamanoor,
Theni District. (Crime No. 119/2020).
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN

CRL OP(MD) No.6800 of 2020

Date : 29/06/2020