



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7542 of 2020

Sathiyaraj

... Petitioner/Accused

Vs

The Inspector of Police,
Vilakkuthoon Police Station
Madurai.

In Crime No.962 of 2020

... Respondent/Complainant

For Petitioner : M/s.P.Alagan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

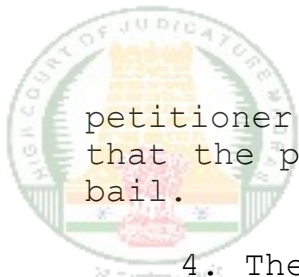
For Bail in Crime No.962 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused herein was arrested and remanded to judicial custody on 16.06.2020 for the alleged offences under Sections 5((1) and 6 of POCSO Act and Section 9 of Prohibition of child Marriage Act.

2. The victim girl is aged about 17 years and the petitioner herein is a married man. The case of the prosecution is that both the petitioner and the victim girl loved each other and for the purpose of marriage the victim girl left the parental house and thereafter they got married on 12.06.2020 and stayed in their friend house and had sexual intercourse. Based on the complaint given by the mother of the victim the present case has been registered.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the above case. He would also submit that the victim girl left the parental home on her own for the purpose of marriage and he



petitioner herein never compelled the victim. He would also submit that the petitioner is in jail for nearly 45 days, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that petitioner and the victim girl loved each other and for the purpose of marriage the victim girl and the petitioner left the house and thereafter they got married on 12.06.2020 and stayed in their friend house and had sexual intercourse with her.

5. I have perused the records and the 164(5) Cr.P.C statement of the victim girl.

6. It is seen that both the petitioner and the victim loved each other and on 11.06.2020 both the petitioner and the victim left the house and got married and stayed in the friend house. From the statement it is also seen that the victim has left the parental home on her own.

7. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8. 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 learned Sessions Judge, Special Court for Trial Cases under POCSO Act, Madurai

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 daily at 10.30 a.m until further orders.

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/-
03/08/2020

/ TRUE COPY /

WEB 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 SESSIONS JUDGE,
SPECIAL COURT FOR TRAIL CASES UNDER POCSO ACT,
MADURAI.
2. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
3. THE INSPECTOR OF POLICE,
VILAKKUTHOON POLICE STATION, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7542 of 2020
Date : 03/08/2020

MS/JC/SAR-3/03.08.2020/3P.5C