



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

Date : 28/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7685 of 2020

1. Pownraj,
2. Pitchammal, ... Petitioners/Accused Nos.2 & 3

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.
(Crime No.10/2020).

... Respondent/Complainant

For Petitioners : M/s. S.Prabhu,
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. 10 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners herein were arrested on 28.06.2020 for the alleged offences under Sections 9 &10 of Prohibition of Child Marriage Act and 7,8,16 and 17 of Protection of Children from Sexual Offences Act 2012 and 506(i) of IPC

2. Totally there are three accused in this case. The petitioners herein are arrayed as A2 and A3. The victim girl by name Karthika aged about 17 years was in love with A1 and she had sexual intercourse with A1. Thereafter based on the complaint



given by the mother of the victim the present case has been registered.

3. The learned counsel for the petitioners would submit that the petitioners are only parents of A1 and even as per the statement of victim recorded under Section 164 of Cr.P.C she has stated that she on her own came out of her parental home and stayed in the petitioner house for one month.

4. The learned Government Advocate(Crl.Side) would submit that the petitioners, who are parents of A1 kidnapped the minor girl and kept the minor girl in the illegal custody in their house with an intention to marry her with A1.

5. Considered the rival submission and perused the records.

6. From the perusal of the records including the statement recorded under Section 164 of Cr.P.C it is seen that the victim girl was in love with A1 and she came out of her parental home on her own and she was residing in the petitioners house for nearly one month and she also refused to go with her parents and only thereafter complaint has been lodged by the mother of the victim.

7.Taking into consideration the facts and circumstances of the case and also the fact that the petitioners are only parents of A1 and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

8.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for trial cases of 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 petitioners shall report before the respondent police as and when required for interrogation.

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

iv) the petitioners 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 petitioners in accordance with law as if the conditions



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 petitioners/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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/ /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 OF POCSO ACT,
MADURAI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUMANGALAM, MADURAI DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL, MELUR, MADURAI
- 4 THE OFFICER INCHARGE
SUB JAIL, NILAKOTTAI, DINDIGUL DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7685 of 2020
Date :28/07/2020

AAV
AE/PN/SAR-III (28.07.2020) 3P 6C