



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/08/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8275 of 2020

Saravanan

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Pettai Police Station,
Tirunelveli District,
Cr.No.696 of 2020.

... Respondent/Complainant

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

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.696 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 30.06.2020 for the alleged offences under Section 312 of I.P.C. and Section 5(1),6 of POCSO Act and Sections 9,10 of Child Marriage Prohibition Act, 2006.

2. The victim in this case is aged about 17 years. The case of the prosecution is that the both the petitioner and the victim loved each other and got married and living together. Based on the information given by the Social Welfare Office the present case has been registered.

3. The learned counsel for the petitioner would submit that both the petitioner and the victim are close relatives and there is only a proposal for marriage between them and absolutely no marriage is said to have taken place. He would also submit that only on false information against the petitioner the present case has been registered.



4. The learned Additional Public Prosecutor would submit that victim girl is aged about 17 years and the petitioner herein is said to have married the victim girl and also said to have sexual intercourse with her. He would also submit that only on the information given by the Social Welfare Officer the present has been registered.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that both the petitioner and the victim are close relatives and there is only proposal for marriage and the marriage has not taken place and also taking note of the fact investigation is almost completed and the petitioner is in jail for nearly 40 days, 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 learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli District

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/-
17/08/2020

/ 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 SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI DISTRICT.
2. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.
3. THE INSPECTOR OF POLICE,
PETTAI POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8275 of 2020
Date :17/08/2020

AAV
TE/JC/SAR-III : 17/08/2020 : 3P/5C