



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

Date : 07/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8300 of 2020

1. KARUPPASAMY
2. SUBBIAH

... PETITIONERS/ACCUSED NO.4 & 5

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
AYYAPURAM POLICE STATION,
TENKASI DISTRICT,
CR.NO.92 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioners : M/s.M.Sankar, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

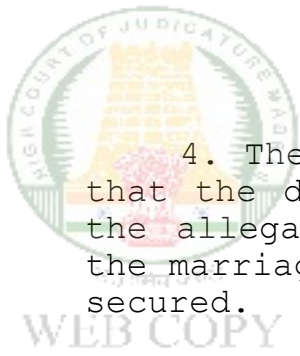
For Bail in Crime No.92 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 15.07.2020 for the alleged offences under Sections 366, 376 of IPC and Sections 9, 10, 11 of Prohibition of Child Marriage Act, 2006 and Sections 6, 5(1) and 17 of Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution is that the petitioners said to have arranged the marriage of the minor victim girl who was aged about 15 years, with A-1, without the knowledge of her parents. Hence, the complaint has been registered.

3. The learned counsel for the petitioners would submit that the petitioners are relatives of the defacto complainant and the victim girl. He would further submit that the petitioners were arrested on 15.07.2020 and that the petitioners are in jail for



4. The learned Government Advocate (criminal side) would submit that the defacto complainant and the petitioners are relatives and the allegation against the petitioners is that they have arranged the marriage. He would further submit that, now the victim girl was secured.

5. Taking note of the above facts and circumstances of the case and that the petitioners have only arranged for the marriage and also taking note of the relationship of the petitioners with the victim and also the fact that the victim girl is also secured, this Court is inclined to grant bail to the petitioners 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 (IV Additional Sessions Judge, Tirunelveli).

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 have been imposed and the petitioners 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 petitioners/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/08/2020

/ 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.

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- TO
- 1 THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.
(IV ADDITIONAL SESSIONS JUDGE,
TIRUNELVELI) .
 - 2 THE INSPECTOR OF POLICE,
AYYAPURAM POLICE STATION,
TENKASI DISTRICT.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8300 of 2020
Date :07/08/2020

KSA
JM/JC/SAR 2/07.08.2020/3P/5C