



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8701 of 2020

1. Sankara Muthu
2. Magheshwari,

... Petitioners/Accused 2 & 3

Vs

The State by
The Inspector of Police,
All Women Police Station,
Nanguneri,
Tirunelveli District,
Crime No.14 of 2020.

... Respondent/Complainant

For Petitioners : Mr.D.Venkatesh,
Advocate.

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

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

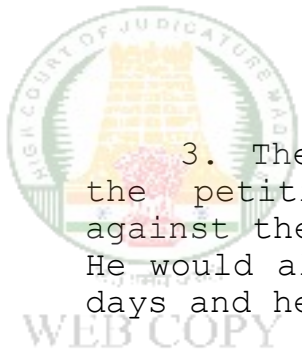
PRAYER :-

For Bail in Crime No.14 of 2020 on the file of the Respondent police

ORDER : The Court made the following order :-

The petitioners/A2 and A3 herein were arrested on 02.08.2020 for the alleged offences under Sections 5(i) 6 and 17 of the POCSO Act and Sections 9,10 and 11 of the Prohibition of Child Marriage Act, 2006.

2. The petitioners herein are arrayed as A2 and A3, who are parents of A1. The case of the prosecution is that A1 in this case is said to have married the minor victim girl and the petitioners herein made arrangement for marriage. Based on the complaint given by the Social Welfare Officer, the present case has been registered.



3. The learned counsel for the petitioners would submit that the petitioners are parents of A1 and the only allegation levelled against them they made arrangement for marriage with the minor girl. He would also submit that the petitioners are in jail for nearly 24 days and hence they may be granted bail.

4. The learned Additional Public Prosecutor would submit that A1 in this case is said to have married the minor victim girl and the petitioners herein made arrangement to marry their son with the victim girl. He would also submit that the investigation is almost completed.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also the fact that the investigation is completed this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for POCSO Act Cases, 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/-
25/08/2020

/ 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.

WEB COPY

TO

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI
2. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
3. THE OFFICER INCHARGE,
(SUB-JAIL) WOMEN PRISON, KOKIRAKULAM,
TIRUNELVELI.
4. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, NANGUNERI
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8701 of 2020
Date : 25/08/2020

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AE/VR/SAR-III (25.08.2020) 3P 6C