



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

Date : 05/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10792 of 2020

1.Seyalmurugan
2.Usen Rajan

... Petitioners/Accused
No.3 and 4

Vs

The State rep.by
The Inspector of Police,
Pasuvanthanai Police Station.
Crime No.148 of 2020.

... Respondent/Complainant

For Petitioners : M/s.G.Thalaimutharasu,
Advocate.

For Respondent : Mr.R.Erottusamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Cr.No.148 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners herein were arrested on 13.09.2020 for the alleged offences under Sections Girl Missing @ under Sections 366 (A) of IPC and Sections 9,10 of Prohibition of Child Marriage Act 2006 and Sections 5(1) r/w.Section 6 of POCSO Act, 2012.

2. There are totally four accused in this case and the petitioners herein are arrayed as A3 and A4. The case of the prosecution is that the victim girl is aged about 17 years and she did not return back to her home after work. Thereafter the father of the victim girl came to know that she got married to the first accused with the help of the other accused persons. Hence the complaint.

3. The learned counsel for the petitioners would submit that the first accused fell in love with the victim and the petitioners herein helped both of them to get married. He would also submit



that the petitioners are in jail for nearly 22 days, hence they may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that with the help of these petitioners first accused married the victim girl aged about 17 years. He also produced the statement given by the victim girl under Section 164 of Cr.P.C, wherein she has clearly stated that the victim girl was in love with the first accused and with the help of the petitioners herein they got married. When the victim girl was produced before the concerned jurisdictional Magistrate she refused to go with her parents and she was also directed to be kept in the home.

5. From the perusal of the 164 Cr.P.C statement of the victim girl it is clearly seen that the victim girl was in love with the first accused and got married with the help of the petitioners herein and when she was produced before the concerned jurisdictional Magistrate she refused to go with her parents and she was sent to home. It is also seen that the petitioners herein only helped for marriage.

6. 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 petitioners subject to the following conditions:

7.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kovilpatti

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 daily at 10.30 a.m for a period of two weeks and thereafter 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/-
05/10/2020

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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 JUDICIAL MAGISTRATE NO II,
KOVILPATTI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
PASUVANTHANAI POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10792 of 2020
Date :05/10/2020

AAV
TK/PN/SAR.3/05.10.2020/3P/6C