



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

Date : 16/10/2020

PRESENT

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

CRL OP(MD). No.11591 of 2020

Dhanasekaran

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Thenkarai Police Station,
Theni District.
Crime No.1846 of 2020.

... Respondent/Complainant

For Petitioner : Mr.P.Senguttuarasan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

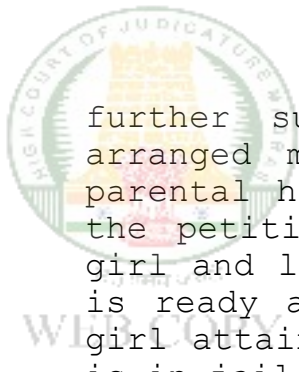
For Bail in Crime No. 1846 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused herein was arrested and remanded to judicial custody on 10.09.2020 for the alleged offences under Section 366 of IPC and Section 9 of Child Marriage Restriction Act and Section 6 of POCSO Act, 2012, in Crime No.1846 of 2020 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner got married the victim girl, who is aged about 17 years old. Initially the complaint was registered under Girl missing, subsequently, it was found that the petitioner and the victim girl are close relatives and both loved each other and got married. Based on the complaint given by the mother of the victim, the present case has been registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner is the none other than the uncle's son and when from their childhood, the victim girl fixed the petitioner. He



further submitted that when the mother of the petitioner has arranged marriage with another woman, the victim girl left the parental home on her own accord for the purpose of getting married the petitioner. Thereafter, the petitioner got married the victim girl and living together. He further submitted that the petitioner is ready and willing to register their marriage, after the victim girl attaining majority. He further submitted that the petitioner is in jail for nearly 36 days, hence he seeks bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police submitted that the petitioner kidnapped the minor victim girl, who is aged about 17 years and got married without her consent and also had sexual relationship with her.

5.On perusal of the records including 164(5) Cr.P.C statement of the victim girl, it is seen that both the petitioner and the victim girl loved each other and they are close relatives. It is also seen that when the mother of the petitioner arranged marriage to the petitioner with another woman, the victim girl left the parental home on her own accord for the purpose of getting married. Thereafter, the petitioner got married the victim girl. From the statement, It is further seen that there is no physical relationship.

6.Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, however, the petitioner is ready and willing to register their marriage, after attaining majority of the victim girl, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the Fast Track Mahila Court, Theni.

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 register the marriage after attaining majority of the victim girl. Thereafter, the petitioner is directed to produce their marriage registration certificate before the respondent herein, failing which, the bail order shall stand automatically cancelled and the respondent is directed to secure the petitioner and proceed in accordance with law.

iii)the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and



iv) the petitioner shall not tamper with evidence or witness.

v) the petitioner shall not abscond during trial.

vi) 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].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
16/10/2020

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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 JUDGE,
FAST TRACK MAHILA COURT, THENI.
2. THE INSPECTOR OF POLICE,
THENKARAI POLICE STATION,
THENI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11591 of 2020
Date : 16/10/2020

VSG
TK/VR/SAR.3/16.10.2020/3P/5C

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