



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.11534 of 2020

Marialukkash

... Petitioner/Accused (A4)

Vs

State Rep. by
The Inspector of Police,
All Women Police Station,
Aruppukottai, Virudhunagar District.
(Crime No.12 of 2020).

... Respondent/Complainant

For Petitioner : M/s.D.Rajaboopathy,
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.12 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on 07.09.2020 for the offences punishable under Sections 363 of IPC r/w 3, 4, 5(1), 5(1)(i)(ii) r/w 6 of POCSO Act, 2012 and Section 9 r/w 10 of Child Marriage Act, 2006, in Crime No.12 of 2020 on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner is father A-1. The petitioner and other accused persons said to have kidnapped the minor victim girl who is aged about 17 years and got married with A-1. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this petitioner is father of A-1. He would further submit that the petitioner and parents of the minor victim girl arranged marriage with A-1 and since the minor victim girl was aged about 17 years, the case has been registered against the petitioner and the parents of the victim girl.

4.Heard the learned Government Advocate (Crl.Side) appearing for the respondent police.



5. 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 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 sureties each for a like sum to the satisfaction of the learned Special Court for Exclusively trial of Case under POCSO Act, Virudhunagar District at Srivilliputtur.

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

16/10/2020

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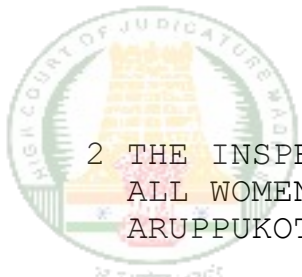
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 SPECIAL JUDGE,
FOR EXCLUSIVELY TRIAL OF CASE UNDER POCSO ACT,
VIRUDHUNAGAR DISTRICT SRIVILLIPUTHUR.



2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.D.Rajaboopathy, Advocate SR.No. 7117

ORDER

IN

CRL OP(MD) No.11534 of 2020

Date :16/10/2020

ksa

JM/VR/SAR III/16.10.2020/3P/6C