



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

Date : 20/01/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.669 of 2021

Prakash ... Petitioner/Accused No.1

Vs

State Rep. by
The Inspector of Police,
All Women Police Station,
Sriviliputhur, Virudhunagar District.
(Crime No.13/2020). ... Respondent/Complainant

For Petitioner : Mr.Mahendrapathy.S,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.13/2020 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 14.12.2020 for the offences punishable under Section 16 r/w 17, 5(1) r/w. Of 6 of POCSO Act, in Crime No.13 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on receiving secret information, Mrs.Rajeshwari, the Extension Officer Women (EO) Social Welfare went to the second and third petitioners' house and found that the petitioner got married the victim girl, who is aged about 15 years. Hence, the present complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner and the victim girl are close relatives. On the compulsion of the parents of the victim girl, the petitioner got married her. He further submitted that after the victim girl attaining majority, the petitioner is ready and willing to take back
<https://hdservices.courts.gov.in/hcservices/> hence, he seeks bail.



4.The learned Government Advocate(Crl.Side) appearing for the respondent Police submitted that the petitioner is close relative of the victim girl and she is aged about 15 years. Hence, he pray for dismissal of this anticipatory bail petition.

5.Taking note of the above facts and circumstances of the case also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner 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.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the Special Court for Exclusively Trial of cases under POCSO Act, 2012, Virudhunagar District.

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/petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

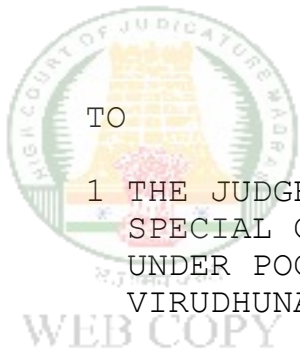
sd/-
20/01/2021

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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



TO

1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVELY TRIAL OF CASES
UNDER POCSO ACT, 2012,
VIRUDHUNAGAR DISTRICT.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIVILIPUTHUR, VIRUDHUNAGAR 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.669 of 2021
Date :20/01/2021

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