



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

Date : 01/02/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1221 of 2021

S.Anandaraj ... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.
Crime No.340/2020. ... Respondent/Complainant

For Petitioner : M/s.Vaigunth.A.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.

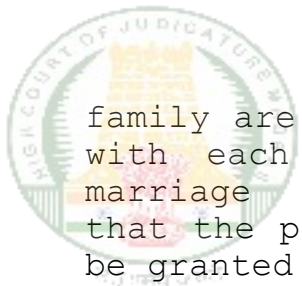
PRAYER :- For a Bail in Crime No.340 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 22.12.2020 for the offences punishable under Sections 6 of Prevention of Children from Sexual Offences Act, 2012 and Sections 9,10 of Child Marriage Restraint Act on the file of the respondent police seeks bail.

2. The victim in this case is aged about 16 years and the petitioner is aged about 26 years. The case of the prosecution is that the family of the petitioner and the family of the victim are trying to solemnize the marriage to the victim girl with the petitioner. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against the
<https://hcservices.courts.gov.in/hcservices/> would also submit that petitioner and the victim



family are close relatives and they are having cordial relationship with each other. The victim family decided to solemnize the marriage after the victim attains majority. He would also submit that the petitioner is in jail for more than 30 days, hence he may be granted bail.

WEB COPY

4. The learned Government Advocate(Crl.Side) would submit that the family of the petitioner and the family of the victim are trying to solemnize the marriage to the victim girl aged about 16 years with the petitioner.

5. The petitioner herein is none other than maternal uncle of the victim. The other accused in this case and the mother of the victim had decided in the Tiruchendur temple that the victim would be given in marriage to the petitioner herein. Since the parents of the victim and the parents of the petitioner are uneducated they have said that the victim in major. Further the victim is also ready and willing to join with the petitioner and live with his mother as a joint family.

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 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 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 petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

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/-
01/02/2021

WEB COPY

/ TRUE COPY /

/ /2021

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 SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.
- 2 THE INSPECTOR OF POLICE,
SIVANTHIPATTI POLICE STATION,
TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYANKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1221 of 2021
Date :01/02/2021

AAV
JM/VR/SAR II/01.02.2021/3P/5C