



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

Date : 05/05/2021

PRESENT

The Hon`ble Mrs.Justice ANANDHI

CRL OP (MD) . No.6491 of 2021

Maharajan ... Petitioner/Accused No.1

Vs

1. The State, Rep by
Inspector of Police,
All Women Police Station,
Tirunelveli Town,
Crime No.2 of 2021).

2. Gnanavel,
Social Welfare Officer,
Thoothukudi District,
Thoothukudi.

... 1st Respondents/Complainant

For Petitioner : Mr.S.Vishnuvardhan,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

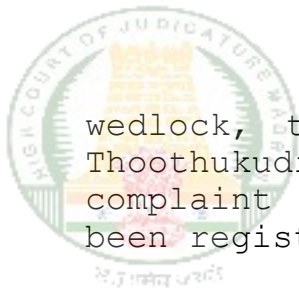
for bail in Crime No. 2 of 2021 on the file of the 1st respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody from 25.02.2021 for the offences under Sections 5(1), 5(j)(ii) r/w Section 6 of POCSO Act and Sections 9 and 10 of Child Marriage Act in Crime No.2 of 2021 on the file of the 1st respondent police. He seeks bail.

3. The case of the prosecution is that on 07.05.2020, the petitioner has married the victim minor girl with the help of the parents of both the petitioner and the victim girl and out of



wedlock, the minor girl delivered a male baby on 11.01.2021 at Thoothukudi Government Medical College Hospital. Based on the complaint given by the District Social Welfare Officer, a case has been registered against the petitioner for the above said offences.

4. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

5. The learned Government Advocate (Criminal side) strongly opposed this petition on the ground that the investigation is pending.

5. Taking into consideration the 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.

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) with two sureties, each for a like sum to the satisfaction of the Special Court for POCSO Act Cases, Tirunelveli and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

05/05/2021

/ 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 SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI
- 2 THE INSPECTOR OF POLICE
ALL WOMEN P.S., TIRUNELVELI TOWN,
- 3 THE SUPERINTENDENT CENTRAL PRISON,
PALAYAMKOTTAI
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI

COPY TO

THE DISTRICT SOCIAL WELFARE OFFICER,
THOOTHUKUDI

ORDER
IN
CRL OP(MD) No.6491 of 2021
Date :05/05/2021

VB/VR/SAR1/05/05/2021 : P3 : 6C