



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/05/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.6881 of 2021

Ponmani

... Petitioner/3rd Accused

Vs

The State Rep. by
The Sub-Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
Crime No.192/2021.

... Respondent/Complainant

For Petitioner : Mr.A.Murali Kumar, Advocate
For Respondent : Mr.M.Muthu Manickam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 192 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/3rd accused, who was arrested on 12.04.2021 for the offences punishable under Section 366(A) I.P.C., r/w Sections 5(i), (ii), 5(1) & 6 of Protection of Child from Sexual Offences Act, 2012 r/w Sections 9, 10 & 11 of Child Marriage Act, 2006, in Crime No.192 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de-facto complainant's daughter eloped with A1 and got married with him. The petitioner is said to have helped the de-dacto complainant's daughter and A1 in getting married.

3.The learned counsel for the petitioner would submit that the A1 has cunningly suppressed the age of the victim girl and the petitioner being an illiterate person had participated in the said marriage and he is in judicial custody from 12.04.2021, hence he may be granted bail.



4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the only allegation made against the petitioner is that he helped A1 and the victim girl to get married.

5. Taking into consideration the facts and circumstances of the case, the pandemic situation prevailing as of now and also taking into consideration the period of incarceration and the fact that specific overt act attributed against the petitioner, 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 learned Sessions Judge (Special Cases for POCSO Act), 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/-

19/05/2021

/ 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.



1. THE SESSIONS JUDGE,
(SPECIAL CASES FOR POCSO ACT),
TIRUNELVELI.
2. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.
3. THE SUB-INSPECTOR OF POLICE,
SUTHAMALLI POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6881 of 2021
Date :19/05/2021

MR/NS
TE/MNR/SAR-I : 20/05/2021 : 3P/5C