



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

Date : 19/05/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD).No.6962 of 2021

S.Balamurugan

... Petitioner/1st Accused

Vs

The State Rep. by,
The Inspector of Police,
Vadipatti Police Station,
Madurai District.
Cr No.92/2021.

... Respondent/Complainant

For Petitioner : Mr.S.Kishore 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.92 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/1st accused, who was arrested on 22.04.2021 for the offences punishable under Section 5(1), 6 of Protection of Child from Sexual Offences Act r/w 9 and 10 of Child Marriage Act, 2006, in Crime No.92 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner married one Rakku @ Atchaya, who is his close relative.

3.The learned counsel for the petitioner would submit that the petitioner's paternal uncle is having land dispute with the petitioner's family and hence, the petitioner has been falsely implicated in this case and he is in judicial custody from 22.04.2021, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the victim girl is a close relative of

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the petitioner and hence, they got married, even though the victim is 17 years old at the time of the alleged marriage. Based upon the complaint given by the Child Welfare Committee, the case has been registered. It is further submitted that the victim is now pregnant and both the petitioner and the victim are living together. Eventhough, the petitioner has married the victim girl, he has to go through the trial proceedings.

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, 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 District and Sessions Judge (Special Cases for POCSO Act), Madurai, 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.



TO

1. THE DISTRICT AND SESSIONS JUDGE,
SPECIAL CASES FOR POCSO ACT, MADURAI.

2. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.

3. THE INSPECTOR OF POLICE,
VADIPATTI POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to Mr.S.KISHORE KUMAR, Advocate SR.No.3705

ORDER

IN

CRL OP(MD) No.6962 of 2021

Date :19/05/2021

MR/NS

PK/VR/SAR-I/20.05.2021 : 3P/6C