



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/07/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9033 of 2021

Prabu

... Petitioner/Accused (Sole)

Vs

The State Rep. by
The Inspector of Police,
Papanasam All Women Police Station,
Thanajvur District.
Crime No. 7 of 2021

... Respondent/Complainant

For Petitioner : Mr.Dhilipan Pandian R.L.,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

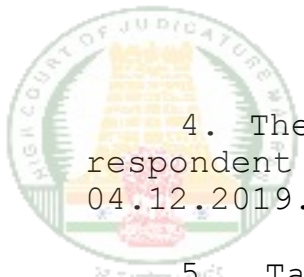
PRAYER :- For Bail in Crime No.7 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 18.06.2021 for the offences punishable under Sections 9,10 of Child Marriage Act, Section 366 of IPC, Section 11(iv),12,5(I),5(j)(ii) and 6 of POCSO Act in Crime No.07 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the marriage between the accused and the victim had taken place on 04.12.2019. As a result of the marriage the victim got pregnant and she delivered a female child on 09.04.2021, therefore the case came to be registered.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner loved the victim girl thereafter they got married and the child was born and now the petitioner is only taking care of the child. He would further submit that the petitioner is in judicial custody from 18.06.2021, hence he seeks bail.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that the marriage had taken place on 04.12.2019. The victim and the petitioner is having a female child.

5. Taking note of the fact that it is a case of child marriage and the victim also delivered a female child on 09.04.2021 and the fact that the substantial portion of the investigation might have been completed by this time and the fact that the petitioner is in judicial custody from 18.06.2021, 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 Court for Exclusive trial of cases under POCSO Act Cases, Thanjavur 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.

[g] The respondent police is directed to conduct necessary medical test including DNA test if not conducted earlier. The petitioner is directed to co-operate for investigation.

sd/-

08/07/2021

/ 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 SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT CASES,
THANJAVUR.
2. THE INSPECTOR OF POLICE,
PAPANASAM ALL WOMEN POLICE STATION,
THANAJVUR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
4. THE OFFICER INCHARGE,
SUB JAIL, PUDUKKOTTAI.

ORDER

IN

CRL OP (MD) No.9033 of 2021

Date :08/07/2021

AAV

TE/VR/SAR-I : 08/07/2021 : 3P/5C