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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9078 of 2021

Ravikumar

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station, Kumbakonam,
Thanjavur District.
Crime.No.9 of 2021

... Respondent/Complainant

For Petitioner : Mr.C.Suresh Kannan, 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.9 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A6, who was arrested on 18.06.2021 for the offences punishable under Sections 5(1),6 of Protection of Children from Sexual offences Act 2012, 9 of Child Marriage Act 2006 @ 5(1),5 (j)(ii), 6 of POCSO Act, 2012 and 9 of Child Marriage Act, 2006 in Crime No.09 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the Social Welfare Officer got information that on 21.01.2021 the accused got married the victim girl aged about 15 years. The victim girl is four months pregnant now, 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 victim girl and the petitioner were in love with each other. 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 opposed the bail petition on the ground that it is a case of child marriage.

5. A perusal of the 164 Cr.P.C statement shows that the victim girl was in love with the petitioner and they got married on 31.08.2020. Then she became pregnant. This is a case of child marriage.

6. Taking note of the fact and circumstances of the case and also 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.

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 Exclusive trial of cases under POCSO Act, 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.

sd/-
27/07/2021

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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 TRAIL OF CASES UNDER POCSO ACT,
THANJAVUR.
- 2.THE SUPERINTENDENT,
CENTRAL PRISON, PUDUKKOTTAI.
- 3.THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KUMBAKONAM,
THANJAVUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9078 of 2021
Date :27/07/2021

SA/VR/SAR.4/27.07.2021/3P/5C