



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

Date : 02/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.9741 of 2021

1. Gopal
2. Vasuki

... Petitioners/Accused No.2 and 3

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Karur.
(Crime No.11 of 2021)

... Respondent/Complainant

For Petitioners: Mr.M.Karunanithi, Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.11 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who were arrested on 08.07.2021 for the offences under Sections 5(1), 6 of POCSO Act, 2012 r/w. Sections 9 and 10 of Prohibition of Child Marriage Act, 2006, in Cr.No.11 of 2021 on the file of the respondent police, seek bail.

2. The case was registered on the complaint of the Rural Welfare Officer, Karur Union that a child marriage was performed by the petitioners to their son, namely, Vivek (A1), who is aged about 23 years with the victim girl, namely, Akalya Devi at Eswaran Temple, Kilakur, Manmangalam Taluk, Karur. According to the Rural Welfare Officer, the age of the child was 16 ½ years. Therefore, the case was registered and the petitioners and the accused No.1 were also arrested.

3. The learned counsel appearing for the petitioners submits that they have no knowledge about the age of the victim girl and the accused No.4, who is the grand mother of the victim girl, suppressed the age of the victim girl and believing the words of A4, they performed the marriage.



4. Heard the learned Government Advocate (Crl. Side).

5. Considering the fact that the petitioners are parents of the accused No.1 and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners.

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6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Additional Session Judge (Fast Track Mahila Court), Karur 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 petitioners shall appear before the respondent police once in a week of every Monday at 10.30 am., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 229-A IPC.

sd/-

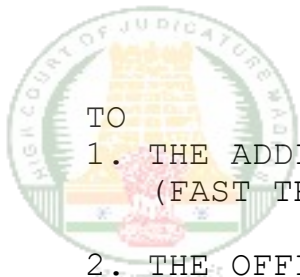
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 ADDITIONAL SESSION JUDGE,
(FAST TRACK MAHILA COURT), KARUR.
2. THE OFFICER INCHARGE,
DISTRICT PRISON, KARUR.
3. THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN, TRICHY.
4. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARUR.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/S.M.KARUNANITHI, Advocate (SR-4990[I] dated 02/08/2021)

ORDER

IN

CRL OP(MD) No.9741 of 2021

Date :02/08/2021

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MS/VR/SAR-2/02.08.2021/3P.7C