



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10035 of 2021

Sivarasu ... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Thanjavur District.
(Crime No.7 of 2021)

... Respondent/Complainant

For Petitioner : 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.7/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 19.06.2021 for the offence punishable under Sections 5(1), 5(j)(ii), 6 of POCSO Act 2012 and 9 of Child Marriage Restraint Act in Crime No.7 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the defacto complainant fell in love with each other and when the victim was aged 17 ½ years, they are said to have married and the victim girl has also delivered a child on 26.04.2021.

3. The learned counsel for the petitioner would submit that the petitioner never committed any offence as alleged by the respondent Police and he has been falsely implicated in this case. He would further submit that the petitioner married the victim girl, on the premise that she attained the age of 18 years.

4. The learned Government Advocate(Crl.Side) would submit that now, the victim girl has attained majority and the petitioner and



the victim girl are living together. He would further submit that a statement under Section 164 Cr.P.C. has been recorded, where, the victim has stated that she is willing to live along with the petitioner.

5. Taking into consideration of the facts and circumstances of the case and the period of incarceration and also the statement given by the victim that she is willing to live along with 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 Judicial Magistrate, Kumbakonam and on further conditions 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 as and when required for interrogation.

[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/-

04/08/2021

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/ /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 JUDICIAL MAGISTRATE,
KUMBAKONAM.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.10035 of 2021

Date :04/08/2021

OGY

MK/JM/SAR.III/04.08.2021/3P/6C