



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

Date : 26/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12348 of 2021

Sivanarasu

... Petitioner/Sole Accused

Vs

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

... Respondent/Complainant

For Petitioner : Mr.M.Karunanithi,
Advocate.

For Respondent : Mr.E.Antony Saha Prabahar,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.438 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 19.06.2021 for the offence punishable under Sections 5(1), 5(j)(ii) and 6 of POCSO Act, 2012 and Section 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.This Court by order dated 04.08.2021 granted bail to the petitioner with certain conditions. Thereafter, Crl.M.P.(MD)No.5888 of 2021 was filed to amend the name of the petitioner, respondent police station and the jurisdictional Court and the same was dismissed by this Court on 13.08.2021 with liberty to the petitioner to file a fresh petition. Accordingly, the present criminal original petition has been filed.



4.Considering the facts and circumstances of the case and the fact that this Court has already granted bail to the petitioner, this Court is inclined to grant bail to the petitioner.

5.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 Special District Court for POCSO Cases, Thanjavur 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 tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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/-
26/08/2021

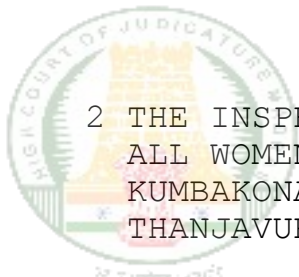
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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 JUDGE,
SPECIAL DISTRICT COURT FOR POCSO CASES,

<https://hcservices.mca.gov.in/>



2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KUMBAKONAM,
THANJAVUR DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON,
TRICHY.

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

ORDER

IN

CRL OP(MD) No.12348 of 2021

Date :26/08/2021

IAS

MS/VR/SAR-4/27.08.2021/3P.5C