



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 07/09/2021

PRESENT

WEB COPY

**The Hon`ble Mr.Justice B.PUGALENDHI**

CRL OP(MD). No.13004 of 2021

1.Selvam

2.Vijaya

...Petitioners/Accused Nos.2 & 3

**Vs**

The State rep.by  
The Inspector of Police,  
All Women Police Station  
Keeranur  
Pudukkottai District  
Crime No.11 of 2021

... Respondent/Complainant

For Petitioners : Mr.P.GANAPATHI SUBRAMANIAN,  
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 18.08.2021 for the offence under Sections 5(1), 5(j)(ii), 6(1) of Protection of Children from Sexual Offences Act, 2012 read with Sections 9 and 11 of prohibition of Child Marriage Act, 2006, in Crime.No.11 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the minor victim girl, who is aged about 17 years had love affair with the first accused who is aged about 28 years. The victim girl had eloped with the first accused where he had physical relationship with her. Therefore, the parents of the minor victim girl as well as the first accused have arranged the marriage between the first accused and the minor victim girl. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have not committed any offence as



alleged by the prosecution. He further submitted that the petitioners are inside the prison from 18.08.2021 and hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, on instructions, would submit that the statement has been recorded from the victim girl under Section 164 Cr.P.C, in which, she has stated that she had love affair with the first accused. The petitioners who are the parents of the first accused have arranged the marriage for the first accused with the victim girl. He would further submit that the final report is yet to be filed.

5. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners, the statement recorded from the victim girl under Section 164 Cr.P.C., wherein, she has stated that she had love affair with the first accused and also the period of incarceration, this Court is inclined to grant bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and 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 Judicial Magistrate, Keeranur, Pudukkottai District 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 petitioners shall appear before the respondent police as and when required for interrogation.

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

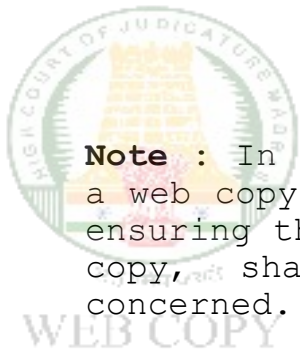
sd/-

07/09/2021

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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 JUDICIAL MAGISTRATE  
KEERANUR, PUDUKKOTTAI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
PUDUKKOTTAI DISTRICT.
3. THE OFFICER INCHARGE,  
SUB-JAIL, THIRUMAYAM.
4. THE OFFICER INCHARGE,  
WOMEN PRISON, TRICHY.
5. THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION  
KEERANUR  
PUDUKKOTTAI DISTRICT
6. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

**ORDER**

**IN**

CRL OP(MD) No.13004 of 2021

Date : 07/09/2021

SA/VR/SAR.2/07.09.2021/3P/7C