



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

Date : 13/09/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.13321 of 2021

WEB COPY

Pandiyarajan

... Petitioner/Sole Accused

Vs

State rep by
The Inspector of Police,
Silaiman Police Station
Madurai District
(Crime.No.313 of 2021). ... Respondent/Complainant

For Petitioner : Mr.V.Sasi Kumar
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.313 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 24.06.2021 for the offences punishable under Sections 5(1) and 6 of (POSCO) Protection of Children from Sexual Offence Act 2012 and under Section 9 & 10 of Child Marriage Restraint Act 1929, in Crime No.313 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein married one Divya aged about 15 years, residing at Sakkimangalam, Madurai on 22.04.2021, at 9.30 a.m. in Meenakshi Amman Temple situated at Bhuvaneshwari Colony, Sakkimangalam, Madurai. The date of birth of the said Divya is 27.12.2006. In this regard, the defacto complainant along with Child Life Co-ordinator, Ramachandran enquired the girl and received written statement that the petitioner married the said girl on 22.04.2021 without the knowledge of the parents and is living separately at Bhuvaneshwari Colony, Sakkimangalam, Madurai.

3.The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that



the petitioner has married the girl in the presence of parents, relatives of both the petitioner and the girl at Buveneswari Amman Temple, Ilamanur, Madurai and it is an arranged marriage.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner has married a girl who is aged about 15 years and the investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the submissions of the petitioner that the marriage held between the petitioner and the girl is an arranged one and he married the girl at the instance of his parents, the stage of the investigation and the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and 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 Judge, Special Court for Exclusive Trial of Cases under POSCO Act, Madurai, 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall appear before the respondent police daily at 10.30 a.m until further orders.

[c] the petitioner shall not tamper with the 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 Judge/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 Judge/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/-
13/09/2021

/ TRUE COPY /

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

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



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 Special Judge, Special Court for Exclusive Trial of Cases under POSCO Act, Madurai.
2. The Superintendent, Central Prison, Madurai.
3. The Inspector of Police, Silaiman Police Station Madurai District
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.13321 of 2021
Date : 13/09/2021

TR/PN/SAR-I(13.09.2021) 3P 5C