



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

Date : 01/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14811 of 2021

Dinesh

... Petitioner/ Sole Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.
In Crime No.18 of 2021.

... Respondent/Complainant

For Petitioner : Mr.N.Satheeshkumar
Advocate.

For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.18 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 16.08.2021 for the offence under Sections 5(i), 5(j)(ii) and 6 of Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006, in Cr.No.18 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner married the minor girl. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the minor girl, who is aged about 16 years and the petitioner, who is aged about 26 years, loved each other. On 31.08.2020, the petitioner married the minor girl. Out of marriage, she became pregnant and hence, she was admitted at Government Rajaji Hospital, Madurai for delivery where she gave birth to a male child. The age of the minor girl was detected only when she was admitted in the hospital. Therefore, on the complaint of the Social Welfare Officer for Women, a case has been registered. He would further submit that the petitioner and the victim girl led their matrimonial life without any difference of opinion. The minor girl has refused to



petitioner is languishing in jail from 16.08.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the minor girl has refused to give statement under Section 164 Cr.P.C to the Magistrate concerned and therefore, the 164 Cr.P.C statement could not be recorded from the victim. He would further submit that the investigation is almost completed.

5.Considering the facts and circumstances of the case, the stand taken by the victim girl, the stage of the investigation and also 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Judge for POCSO Act Cases, Madurai, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judge 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 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/-
01/10/2021

/ TRUE COPY /

/ /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 SPECIAL JUDGE FOR POCSO ACT CASES,
MADURAI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUMANGALAM,
MADURAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14811 of 2021
Date :01/10/2021

MSA
MK/SKN/SAR.III/01.10.2021/3P/5C