



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/10/2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.15461 of 2021

1. Chitra
2. Rasu Ambalam @ Rasu
3. Palaniyappan ... Petitioners/Accused Nos.2 to 4

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Thiruppathur,
Sivagangai District.
Crime No.10 of 2021

... Respondent/Complainant

For Petitioner : Mr.C.BHARATHI,
Advocate.

For Respondent : Mr.A.THIRUVADI KUMAR,
Additional Public Prosecutor

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

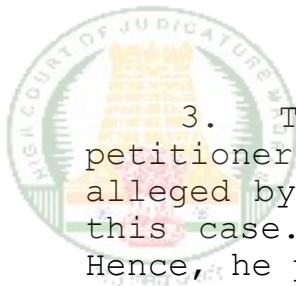
PRAYER :-

For Bail in Crime No.10 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 to A4, who were arrested on 24.09.2021, for the offence punishable under Sections 363 and 506(i) IPC, Sections 5(i) and 6 of POCSO Act 2012 and Sections 9 and 10 of Prohibition of Child Marriage Act, in Crime No.10 of 2021, seeks bail.

2. The case of the prosecution is that the first petitioner is the mother of the first accused. The victim girl is aged about 17 years. The first accused is aged about 19 years. The first accused kidnapped the victim girl on 19.05.2021 and married her at a Pillaiyar Kovil, situated at Kalluppatti, Trichy District. The victim girl was subjected to sexual assault by the first accused. Further the first accused used to come home in an inebriated state and beat her every day. Therefore, the victim girl returned to her parental home on 14.06.2021.



3. The learned counsel for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. However, they are inside the prison from 24.09.2021. Hence, he prayed for grant of bail to the petitioners.

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4. The learned Additional Public Prosecutor produced a copy of the 164 Cr.P.C. statement of the victim girl, wherein, she stated that both of them loved each other and on knowing the same, their parents have also arranged their marriage.

5. Considering the facts and circumstances of the case, the period of incarceration and also the fact that the first accused and victim girl had love affair and on knowing the same, their parents have arranged their marriage, this Court is inclined to grant bail to the petitioners.

6. Accordingly, this Criminal Original Petition is ordered. The petitioners are directed to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Session Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Sivagangai 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 petitioners shall report before the respondent Police once in a week of every Monday at 10.30 am., until further orders.

[e] the petitioners shall not abscond either during trial.

[f] the petitioners shall not tamper with the evidence or witness either during trial.

[g] On breach of any of the aforesaid conditions, the learned Judge/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 are 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]**.

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

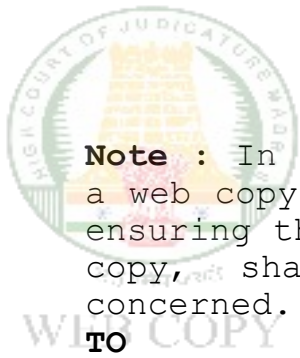
sd/-

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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 SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER THE POCSO ACT, SIVAGANGAI.
- 2.THE OFFICER INCHARGE
WOMEN PRISON, NILAKKOTTAI.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPPATHUR,
SIVAGANGAI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.15461 of 2021

Date :08/10/2021

SA/JM/SAR.4/08.10.2021/3P/6C