



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.15492 of 2021

Mathubalan

... Petitioner/Sole Accused

Vs

The State rep.by
The Sub Inspector of Police,
Ottanchatram All Women Police Station
Dindigul District
Crime No.12 of 2021.

... Respondent/Complainant

For Petitioner : Mr.T.SELVAN
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Cr.No.12 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 17.09.2021, for the offence punishable under Sections 5(n), 5(j)(ii) r/w Section 6 of Protection of Children from Sexual Offences Act, 2012 and Sections 9 and 11 of Prohibition of Child Marriage Act, 2006, in Crime No.12 of 2021 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner who is aged about 20 years married a minor girl, aged about 16 years and had physical relationship with her. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that as per last wish of the petitioner's father, who was in death-bed, the marriage between the petitioner and the minor victim girl was solemnised. He further submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 17.09.2021 and hence, he seeks for grant of bail.



4.The learned Additional Public Prosecutor appearing for the respondent police has produced the statement recorded from the victim girl under Section 164 Cr.P.C, in which, she has stated that the petitioner and the victim girl loved each other and now, she is pregnant. He would further submit that the substantial portion of investigation is completed.

5.Considering the facts and circumstances of the case, the statement recorded from the victim girl under Section 164 Cr.P.C., the stage of the investigation and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the Criminal Original Petition is ordered. The petitioner is directed 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 Sessions Judge, Fast Track Mahila Court, Dindigul 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 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 is 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/-
20/10/2021

/ 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 SESSIONS JUDGE
FAST TRACK MAHILA COURT, DINDIGUL.

2 THE OFFICER INCHARGE
DISTRICT JAIL, DINDIGUL.

3 THE SUB INSPECTOR OF POLICE,
OTTANCHATRAM ALL WOMEN POLICE STATION
DINDIGUL DISTRICT

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

+1. CC to M/S.SELVAN T Advocate SR.No.7241

ORDER

IN

CRL OP(MD) No.15492 of 2021

Date :20/10/2021

SA/SKN/SAR.1/20.10.2021/3P/6C