



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29.10.2021

WEB COPY

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD)No.16840 of 2021

S.Santhanamunishwaran

... Petitioner/Sole Accused

Vs

State rep.by its
The Inspector of Police,
All Women Police Station,
Tuticorin District.
(Crime No.38 of 2021)

...Respondent/Complainant

For Petitioner : M/s.KA.Raamakrishnan, Advocate

For Respondent : M/s.A.Thiruvadikumar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.38 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 07.09.2021 for the alleged offence under Sections 5(1) r/w 6 of POCSO Act and Section 9 of Prohibition of Child Marriage Act, in Crime No.38 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner married the minor victim girl and had physical relationship with her. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner and the victim girl loved each other and they are intending to marry



and at the time of occurrence, the minor victim girl is aged about 17 years and 9 month and now she attained the age of majority (i.e.) 19 years. He further submitted that the petitioner is in jail from 07.09.2021 and hence, he seeks for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent police, on instructions, submitted that the victim girl got married with another one person.

5. Considering the period of incarceration and also considering the fact that the victim girl got married with another one person, this Court is inclined to grant bail to the petitioner.

6. Accordingly, 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 Exclusive Court for POCSO, Tuticorin and on further condition 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 petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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 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 229A IPC.

Sd/-
29/10/2021

/ 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 EXCLUSIVE COURT FOR POCSO,
TUTICORIN.
2. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TUTICORIN DISTRICT.
3. THE OFFICER INCHARGE,
THE DISTRICT PRISON,
PERAURANI, TUTICORIN DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.16840 of 2021
Date :29/10/2021

SP/VR/SAR II/29/10/2021/3P/5C