



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16373 of 2021

Kathiresan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station
Keeranur
Pudukkottai District
(Crime No.17/2021).

... Respondent/Complainant

For Petitioner : Mr.P.GANAPATHI SUBRAMANIAN,
Advocate.

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

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

PRAYER :-

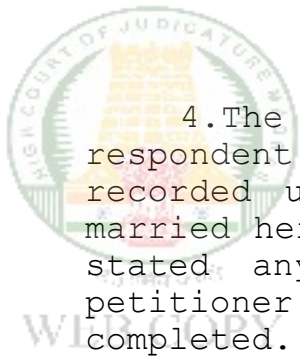
For Bail in Crime No.17 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 30.09.2021 for the offence under Sections 5(1), 5(j)(ii) read with 6(1) of Protection of Children from Sexual Offences Amendment Act, 2019 and Sections 9 and 11 of Prohibition of Child Marriage Act, 2006 in Crime No.17 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 29 years married the minor girl aged about 17 years and had physical relationship with her. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl are close relatives. The petitioner has not committed any offence as alleged by the prosecution. He is inside the prison for the past 26 days and hence, he prays for grant of bail.



4.The learned Additional Public Prosecutor appearing for the respondent police has produced the statement of the victim girl recorded under Section 164 Cr.P.C, wherein, she stated that she married her maternal uncle and now, she is pregnant and she has not stated anything that there was a forcible marriage with the petitioner. He would further submit that the investigation is almost completed.

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

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 Judicial Magistrate, Keeranur, Pudukkottai 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall appear before the respondent police as and when required for interrogation.

[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 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/-

27/10/2021

/ 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 JUDICIAL MAGISTRATE
KEERANUR, PUDUKKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3 THE OFFICER INCHARGE
DISTRICT PRISON, PUDUKKOTTAI.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION
KEERANUR
PUDUKKOTTAI DISTRICT

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

ORDER

IN

CRL OP(MD) No.16373 of 2021

Date :27/10/2021

SA/JM/SAR.2/27.10.2021/3P/6C