



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/11/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16441 of 2021

Mathan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Sivagangai,
Sivagangai District.
Crime No.33/2021.

... Respondent/Complainant

For Petitioner : Mr.B.Santhanam Rajesh Kumar,
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.33 of 2021 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 29.09.2021 for the offence under Section 9 of the Prohibition of the Child Marriage Act, 2006 in Crime No.33 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 22 years, married the defacto complainant's daughter, who is aged about 15 years and had physical relationship with her. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The petitioner and the victim girl loved each other. He would further submit that the petitioner is inside the prison from 29.09.2021 and hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor appearing for the
<https://hcservices.mca.gov.in/hcservices/> submitted that while the respondent Police



examined the victim girl, she has not stated anything about sexual assault. Hence, the respondent Police has not altered the offence.

5. Considering the facts and circumstances of the case, the statement of 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 Additional Mahila Court, Sivagangai, 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 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 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/-

01/11/2021

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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 ADDITIONAL MAHILA COURT,
SIVAGANGAI.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SIVAGANGAI,
SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.

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

ORDER
IN
CRL OP(MD) No.16441 of 2021
Date :01/11/2021

ssb
MK/VR/SAR.I/01.11.2021/3P/5C