



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16937 of 2021

R.Pradeesh @ Pratesh, ... Petitioner/Accused No.1

Vs

State Rep by
The Sub Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.
Cr.No. 45 of 2021.

... Respondent/Complainant

For Petitioner : Mr.G.Anto Prince,
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.45 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 12.09.2021 for the offence under Section 366 I.P.C and Sections 5(1), 6 and 17 of POCSO Act, 2012 and Sections 9 & 10 of Prohibition of Child Marriage Act in Crime No.45 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 27.04.2021 at about 09.00 p.m., the petitioner kidnapped the victim girl, married her and made repeated sexual assault. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that both the petitioner and the victim girl loved each other, the marriage was conducted by the family members of the petitioner and the real age of the victim was suppressed by her



parents at the time of marriage. He further submits that the petitioner is ready to file an undertaking affidavit that he would stay away from the victim girl till she attains majority. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that the petitioner had love affair with the victim girl and on knowing the same, his parents performed their marriage.

5.Considering the facts and circumstances of the case, the period of incarceration and also the fact that there was a love affair between the victim and the petitioner and on knowing that, the marriage was performed by the family members, 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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Kanyakumari District and on further condition 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 Judge/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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/11/2021

/ 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,
The Special Court for Exclusive Trial
of Cases under POCSO Act, 2012,
Kanyakumari District.
- 2.The Superintendent, Central Prison,
Palayamkottai, Tirunelveli District
- 3.The Sub Inspector of Police,
All Women Police Station, Nagercoil,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-7716[I] dated 01/11/2021)

ORDER IN
CRL OP(MD) No.16937 of 2021
Date : 01/11/2021

TR/JM/SAR-I(01.11.2021) 3P 6C