



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/11/2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17336 of 2021

Ajith

... Petitioner/Accused No.1

Vs.

The State repb.by
The Inspector of Police,
All Women Police Station,
Melur, Madurai District.
Cr.No. 34 of 2021.

... Respondent/Complainant

For Petitioner : M/S.VIJAYASETHUPATHY.V,
Advocate.

For Respondent : Mr.R.MEENAKSHI SUNDARAM,
Additional Public Prosecutor

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

PRAYER :-

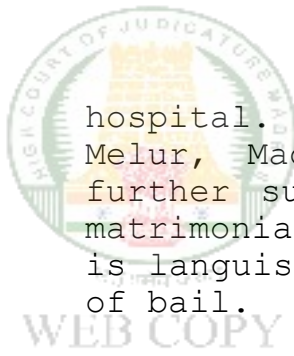
For Bail in Crime No.34 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner is arrayed as on A1. He was arrested and remanded to Judicial Custody on 05.10.2021 for the offences punishable under sections 5(1), 5(n), 5(j) (ii), 6 of POCSO Act and under Sections 9 and 10 of Child Marriage Act, in Crime No. 34 of 2021 on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that the petitioner married the minor girl. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is none other than the son of paternal uncle of the minor girl. The minor girl, who is aged about 16 years and the petitioner, who is aged about 24 years, loved each other and the petitioner had sexual intercourse with the minor girl by giving false promise that he will marry her. The parents of the petitioner and the victim girl on coming to know about the same, solemnized the marriage between them On 01.06.2020. Out of marriage, she became pregnant and hence, she was admitted at Government Rajaji Hospital, Madurai, for delivery where she gave birth to a fe-male child. The age of the minor girl was detected only when she was admitted in the



hospital. Therefore, on the complaint of the Rural Welfare Officer, Melur, Madurai District, a case has been registered. He would further submit that the petitioner and the victim girl led their matrimonial life without any difference of opinion. The petitioner is languishing in jail from 05.10.2021 and hence, he seeks for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that in the statement recorded from the victim under Section 164 Cr.P.C, she has stated that the petitioner and the victim girl loved each other and that the Medical Tests were already completed and reports are yet to be received. 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, 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 Special District Judge (POCSO Court) Madurai, 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 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 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/-

24/11/2021

/ 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 SPECIAL DISTRICT JUDGE (POCSO COURT)
MADURAI.

2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MELUR,
MADURAI DISTRICT.

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

+1. CC to M/S.VIJAYASETHUPATHY.V, Advocate SR.No.8436

ORDER

IN

CRL OP(MD) No.17336 of 2021

Date :24/11/2021

SA/VR/SAR.3/24.11.2021/3P/7C