



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/12/2021
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.19422 of 2021

Kulandhaivel

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
All Woman Police Keeranur Police Station,
Pudukottai District.
Crime No.11 of 2021.

... Respondent/Complainant

For Petitioner : M/s.BANUMATHY.A.,
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.11 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who were arrested on 17.09.2021 for the alleged offence under Sections 5(1), 5(j)(ii) r/w 6(1) of POCSO Amendment Act, 1019 and Section 9 and 11 of Prohibition of Child Marriage Act, 2006, in Crime No.11 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that child marriage was arranged and solemnized between the petitioner and the victim girl, due which a male baby was also born. On receipt of information, the defacto complainant, who is Child Line Officer in that area gave the complaint.

3.The learned counsel for the petitioner submitted that petitioner has not committed any offence as alleged by the prosecution. With the consent of the victim girl only the marriage was solemnized. Now she is having three months old baby and she is struggling to maintain the baby and now she attains the age of majority. The parents of the victim girl were also arrested and released on bail. Now the victim girl is in custody of her paternal grant parents and mother of the petitioner is also blind. Hence, she is also under the care of the victim girl.



4.The learned Additional Public Prosecutor submitted that earlier the petitioner moved a bail application before the trial Court and the same was dismissed.

5. Considering the facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Pudukottai, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

08/12/2021

/ 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
MAHILA COURT, PUDUKOTTAI
- 2 THE OFFICER INCHARGE
DISTRICT JAIL, PUDUKOTTAI.
- 3 THE INSPECTOR OF POLICE
ALL WOMAN POLICE KEERANUR POLICE STATION,
PUDUKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.19422 of 2021
Date :08/12/2021

SA/VR/SAR.4/09.12.2021/2P/5C