



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.12.2021
PRESENT

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

WEB COPY

CRL.OP(MD)No. 19810 of 2021

Sheik Mydeen

... Petitioner/Sole Accused

-vs-

The State rep. by
The Inspector of Police,
All women Police Station,
Palayamkottai, Tirunelveli - 625 002.
Crime No.15 of 2021

... Respondent/Complainant

For Petitioner : Mr.M.Sankar, Advocate.
For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.15 of 2021 on the file of the Respondent Police.

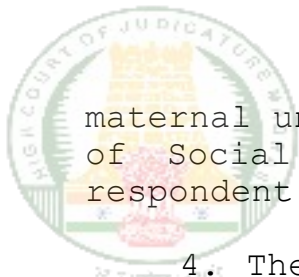
ORDER : The Court made the following order :-

The petitioner/ sole accused who was arrested and remanded to judicial custody on 28.10.2021 for the offence punishable under Sections 9, 10, 11 of Child Marriage Restraint Act 1929 and Section 5(1) and (j) (ii) and Section 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.15 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the child marriage was conducted between the victim and the accused and the victim delivered a male child at the age of 15 years. At the time of delivery of the child, an information was received by one Parvathy Mallika, the Extension Officer of Social Welfare Department, Palayamkottai, and on the basis of the complaint given by the Extension Officer of Social Welfare Department, Palayamkottai, the respondent police registered the case.

3.The learned counsel for the petitioner would submit that the earlier bail application was dismissed by this Court in CrI.O.P(MD) No.18433 of 2021, vide order dated 24.11.2021. The learned counsel for the petitioner would further submit that the marriage was conducted 1 ½ years before, that the petitioner and the victim girl

<https://hcservices.mca.gov.in/hcservices/>



maternal uncle of the victim girl and that only as per the complaint of Social Welfare Officer, FIR came to be registered by the respondent police. Hence, he seeks bail.

4. The learned Additional Public Prosecutor for the respondent police would submit that the investigation is almost completed and medical tests are already over, and the medical reports are yet to be received.

5. Considering the facts and circumstances of the case and also the fact that the marriage was conducted 1 ½ years prior to the complaint and now they are having child and also taking note of the facts that the investigation is almost completed, except the receipt of medical reports as stated by the learned Additional Public Prosecutor, and that the petitioner is in judicial custody from 28.10.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, 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 Session Judge, Special Court for POCSO Act Cases, Tirunelveli.

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 am. until further orders.

[c] the petitioner shall not tamper with evidence or witness.

[d] the petitioner shall not abscond during 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
21/12/2021

/ TRUE COPY /

21/12/2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PALAYAMKOTTAI, TIRUNELVELI-625002

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.19810 of 2021

Date :21/12/2021

ebsi

MK/PN/SAR.II/21.12.2021/3P/5C