



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice D. BHARATHA CHAKRAVARTHY

CRIMINAL ORIGINAL PETITION No.12675 of 2022

AYYAPPAN

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
ATTUR AWPS POLICE STATION,
SALEM DISTRICT
CRIME NO.5/2022

[RESPONDENT]

For Petitioner : M/S.R.MEGANATHAN Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner herein, who was arrested and remanded to judicial custody on 25.03.2022 for the alleged offences under Section 366 IPC and Section 9 of Prohibition of Child Marriage Act, 2006 and Section 5 (I), (j)(ii) and 6 of Protection of Child from Sexual Offences Act, 2012, in Crime No.05 of 2022 on the file of the respondent police, seeks bail.

2. On a perusal of the records of the case, it turns out that the petitioner and the victim minor girl got married and the victim minor girl also got pregnant. When she had gone for a treatment, it was noticed by the hospital authorities that the victim is a minor girl and hence the intercourse with her amounts to an offence under the POCSO Act. Hence, the case is registered.

3. Considering the nature of allegations and the background of the parties, I am inclined to enlarge the petitioner on bail subject to imposing certain conditions.



4. Accordingly, the petitioner is ordered to be released on bail on executing a 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, The Special Court for POCSO Act Cases, Salem, on the following further conditions:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate 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 on every Monday at 10.30 a.m, until further orders.

[c] the petitioner shall not tamper with 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.

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

-sd/-

26/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

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

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE INSPECTOR OF POLICE,
ATTUR AWPS POLICE STATION,
SALEM DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

CC to M/S.R.MEGANATHAN Advocate on payment of necessary charges

CRL OP.12675/2022

Date :26/05/2022

RW-27/05/2022