



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Eleventh day of February Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) No.2686 of 2022

MARIMUTHU

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THENI.
(CRIME NO.30 OF 2021)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.PRABU.M. Advocate
For Respondent : MR.E.ANTONY SAHAYA PRABAHAR,
ADDITIONAL PUBLIC PROSECUTOR

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

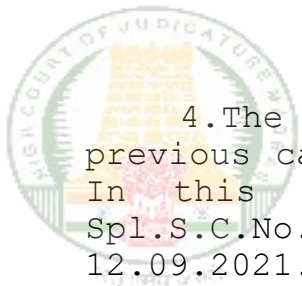
PRAYER : FOR BAIL IN CRIME NO.30 OF 2021 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 12.09.2021 for the offences punishable under Sections 366 IPC & Section 6 of the POCSO Act, 2012 and Section 9 of Child Marriage Restrain Act, 2006 @ 366 IPC r/w Sections 5(1), 5 (t), 6 of the POCSO Act, 2012 and Section 9 of Child Marriage Restrain Act, 2006, in Crime No.30 of 2021 on the file of the respondent police, seeks bail.

2.It is not in dispute that the respondent police has registered a case in Cr.No.767 of 2020, by invoking the provisions of POCSO Act, against the petitioner that he committed penetrative sexual assault against the present victim and for that he was in judicial custody for ten months. In that case, charge sheet was filed and case is pending.

3.The case of the prosecution is that since the victim's father had harassed the victim, the petitioner had tied *thali* and married the minor victim. Hence, the complaint.



4.The learned counsel for the petitioner would submit that one previous case against the petitioner is pending for similar nature. In this case, charge sheet has been filed and pending in Spl.S.C.No.87 of 2021. The petitioner is in judicial custody from 12.09.2021. Hence, he seeks bail.

5.The learned Additional Public Prosecutor would submit that the investigation is completed and that the charge sheet has been filed.

6.Considering the nature of charges levelled against the petitioner and also the facts that the petitioner is in judicial custody from 12.09.2021 and that the charge sheet has been filed and pending in Spl.S.C.No.87 of 2021, on the file of Fast Track Mahila Court, Theni this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.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 Mahila Judge, Theni.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Judge/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

ii) the petitioner shall report before the trial Court daily at 10.30 a.m, on all working days, until further orders;

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
11/02/2022

/ TRUE COPY /

11/02/2022
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.

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- TO
- 1 THE JUDGE,
MAHILA COURT, THENI.
 - 2 THE OFFICER INCHARGE,
DISTRICT JAIL, THENI.
 - 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THENI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.2686 of 2022
Date :11/02/2022

RS/VR/SAR.3(11.02.2022) 3P-5C