



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 17/03/2022  
PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD) . No.4604 of 2022

A.Velmurugan

... Petitioner/Accused No.1

**Vs.**

The State rep.by  
The Inspector of Police,  
All Women Police Station,  
Thirumangalam, Madurai District.  
Cr.No. 24 of 2021.

... Respondent/Complainant

For Petitioner : Mr.SIVABALAN.K,  
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,  
Government Advocate (Crl.Side)

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

**PRAYER :-** For Bail in Crime No.24 of 2021 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 04.02.2022 for the offences punishable under Sections 9, 10 of Prohibition of Child Marriage Act, 2006 and Sections 5(1), 5(j)(ii) and 6 of Protection of Children for Sexual Offences Act, 2012, in Crime No.24 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is working as a Child Welfare Staff at Thirupparangundram Union, Madurai. On 25.12.2021, the defacto complainant received phone call thorough child Line, that a marriage was solemnized between one Velmurugan/petitioner and the victim girl, who was aged below 18 years, in front of both family members. Thereafter, on 23.12.2021, the victim girl, blessed with one female child in the Government Rajaji Hospital at Madurai. Hence, the defacto complainant gave a complaint.

3.The learned counsel for the petitioner would submit that the victim's father and brother had died in a road accident, that the petitioner and the victim are relatives and due to that the victim's mother fourth accused had requested the A2 and A3/parents of the



petitioner, to arrange the marriage of the petitioner with her daughter and that the marriage was solemnized on 17.05.2021.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that in the statement under Section 164 Cr.P.C, recorded from the victim, she has not levelled any serious allegations against the petitioner and that her mother and parents of the petitioner had arranged the marriage.

5.Considering the nature of the charges levelled against the petitioner and also the facts that the co-accused were already granted anticipatory bail, that the petitioner is not having any bad antecedents and that the petitioner is in judicial custody from 04.02.2022, 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 Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Madurai.

(i)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;

(ii)the petitioner shall report before the respondent police for a period of thirty days and thereafter, as and when required for interrogation.

(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 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].

(vi)If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

17/03/2022

/ TRUE COPY /

17/03/2022

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



1 THE SESSIONS JUDGE  
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES  
UNDER POCSO ACT, MADURAI

2 THE OFFICER INCHARGE  
DISTRICT PRISON, THENI.

3 THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION,  
THIRUMANGALAM, MADURAI DISTRICT.

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

+1. CC to M/S.SIVABALAN.K Advocate SR.No.1919

**ORDER**

**IN**

CRL OP(MD) No.4604 of 2022

Date :17/03/2022

SA/PN/SAR.4/17.03.2022/3P/6C