



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/03/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.4917 of 2022

Vishvaa

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Keeranur All Women Police Station,
Pudukottai District
(Crime No.6 of 2022)

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

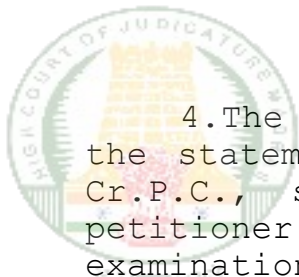
PRAYER :-For Bail in Crime No.6 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 17.02.2022 for the offences punishable under Sections 5(1) r/w 6(1)(a) of POCSO (Amendment) Act, 2019 and Section 9 of Prohibition of Child Marriage Act, 2006, in Crime No.6 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the victim girl, who is aged about 17 years were in love and eloped. Subsequently, at the instance of the mother of the victim girl, this complaint has been registered. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the victim girl were in love, that though the petitioner had asked the victim girl to wait till she attains the age of 18 years, the victim girl compelled the petitioner to take her and that they got married at Samayapuram Marriayamman Temple.



4.The learned Additional Public Prosecutor would submit that in the statement recorded from the victim girl under Section 164 of Cr.P.C., she has stated that she voluntarily eloped with the petitioner and that she is aged about 17 years and that the medical examinations are already over.

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5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 17.02.2022 and also the facts that the medical examinations are already over and that the investigation is almost completed except the receipt of the medical reports, 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, Mahila Court, Pudukkottai.

(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 daily at 10.30 a.m., 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 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/-
24/03/2022

/ TRUE COPY /

24/03/2022
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 concerned.

TO

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

ORDER
IN
CRL OP(MD) No.4917 of 2022
Date :24/03/2022

SJI
MK/VR/SAR.I/24.03.2022/3P/5C