



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5035 of 2022

WEB COPY

Muthukumar

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Puliyankudi Police Station,
Tenkasi District.
Cr.No. 600 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Prabhu K,
Advocate.

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

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

PRAYER :-

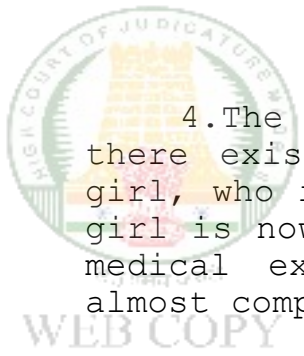
For Bail in Crime No.600 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 28.02.2022 for the offences punishable under Sections 5(1), 5(n), 5(j)(ii) and 6 of Protection of Children from Sexual Offences Act and Section 9 of Prohibition of Child Marriage Act, in Crime No.600 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner married the victim girl, who is aged above 17 years and he had physical relationship with her and that the victim girl is four months pregnant now. Based upon which, the present case came to be registered against the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner and the victim girl were in love and on her own wish, the petitioner married the victim girl. He would further submit that the victim girl is now four months pregnant. The learned counsel for the petitioner would further submit that the victim girl has appeared before the learned Principal District and Sessions Judge, Sivagiri and stated that she is living with the petitioner and she is not having any objection to grant bail to the petitioner.



4.The learned Additional Public Prosecutor would submit that there existed love affairs between the petitioner and the victim girl, who is now aged above 17 years and got married and the victim girl is now four months pregnant. He would further submit that the medical examinations are already over and the investigation is almost completed except the receipt of the medical reports.

5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 28.02.2022 and also the facts that the medical examinations are already over, that the investigation is almost completed except the receipt of the medical reports and that the petitioner is not having any bad antecedents, 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 POCSO Act Cases, Tirunelveli.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/Special 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/Special 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/Special 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/-
28/03/2022

/ TRUE COPY /

28/03/2022
Sub-Assistant Registrar (C.S-III)
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,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.
2. THE INSPECTOR OF POLICE,
PULIYANKUDI POLICE STATION,
TENKASI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.PRABHU, Advocate (SR-2569[I] dated 28/03/2022)

ORDER

IN

CRL OP(MD) No.5035 of 2022

Date :28/03/2022

sj i

USK/PN/SAR-III/28.03.2022/3P/6C