



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

Date : 21/03/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5234 of 2022

Kannan

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Keeranur, Pudukkottai District.
Cr.No. 3 of 2022.

... Respondent/Complainant

For Petitioner : Mr.Anandkumar J,
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.3 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 21.01.2022 for the offence under Sections 5(1), 5(j)(ii) r/w 6 (1) of POCSO Amendment Act 2019 and Section 9 of Prohibition of Child Marriage act, 2006, in Crime No.3 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the victim were on love and that the petitioner married the victim girl, who is aged about 16 years and had physical relationship with her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the victim were on love and they got married without the knowledge of the parents of the petitioners as well as the victim and that she has given birth to a child.



4.The learned Additional Public Prosecutor appearing for the State would submit that the medical examination of both the petitioner and the victim were already over and investigation is almost completed except the receipt of the medical reports.

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5.Considering the facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 21.01.2022 and 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.

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 Judicial Magistrate, Illuppur, Pudukkottai District.

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 order.

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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
21/03/2022

/ TRUE COPY /

21/03/2022
Sub-Assistant Registrar (C.S-II)
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 JUDICIAL MAGISTRATE,
ILLUPPUR, PUDUKKOTTAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
3. THE OFFICER-INCHARGE,
DISTRICT PRISION, PUDUKKOTTAI.
4. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KEERANUR, PUDUKKOTTAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-2259[I] dated 21/03/2022)

ORDER
IN
CRL OP(MD) No.5234 of 2022
Date :21/03/2022

USK/PN/SAR-II/21.03.2022/3P/7C