



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

Date : 31.03.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.5952 of 2022

1. Mahamayee
2. Michael
3. Raja

... Petitioners/ Accused 2 to 4

Vs

The State represented by
The Inspector of Police,
Kariyapatti Police Station,
Virudhunagar District.
(Crime No.24 of 2022)

... Respondent/ Complainant

For Petitioners : Mr.S.Poornachandran, Advocate.

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

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

PRAYER :- For Bail in Crime No.24 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.2 to A.4, who were arrested and remanded to judicial custody on 01.03.2022 for the offences punishable under Section 366 IPC, Sections 5(1) r/w 6 and 17 of POCSO Act, 2012, and Sections 9 and 10 of Child Marriage Restraint Act, 2006, in Crime No.24 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the first accused by giving false promise to the defacto complainant's daughter, had kidnapped her, who is aged 17 years and that the first accused had committed aggravated penetrative sexual assault at the house of the fifth accused and thereafter the first accused and the victim girl got married in the presence of the present petitioners and on 23.02.2022, the first accused abandoned the victim girl. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the first accused and the daughter of the defacto complainant were in



love and they had eloped and that the petitioners 1 and 2 are the parents and the third petitioner is the brother of the first accused and that they have no connection whatever with the alleged occurrence.

4.The learned Additional Public Prosecutor would submit that the victim girl, in her statement recorded under Section 164 Cr.P.C., has specifically stated that the petitioners were also present at the time of tying thali. He would further submit that the main accused has already arrested and is in judicial custody.

5.Considering the nature of the charges levelled against the petitioners and also the fact that the petitioners are not having any bad antecedents, this Court is inclined to grant bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Special Court for Exclusive Trial of cases under POCSO Act, 2012, Virudhunagar District sitting at Srivilliputhur.

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

(ii)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioners shall not tamper with evidence or witness;

(iv)the petitioners shall not abscond during trial;

(v)On breach of any of the aforesaid conditions, the learned Sessions Judge/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Sessions 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 / petitioners thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

31/03/2022

/ TRUE COPY /

31/03/2022

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.

WEB COPY

TO

1 THE SPECIAL JUDGE FOR EXCLUSIVE TRIAL OF
CASES UNDER POCSO ACT, 2012, VIRUDHUNAGAR DISTRICT
SITTING AT SRIVILLIPUTHUR.

2 THE SUPERINTENDENT, CENTRAL PRISON (WOMEN) ,
MADURAI.

3 THE OFFICER INCHARGE, DISTRICT PRISON,
VIRUDHUNAGAR.

4 THE INSPECTOR OF POLICE,
KARIYAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1CC to M/s.S.POORNACHANDRAN, Advocate (SR-2800[I] dated 31/03/2022)

ORDER

IN

CRL OP(MD) No.5952 of 2022

Date :31/03/2022

CSM

MS/PN/SAR-2/31.03.2022/3P.7C