



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/04/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6267 of 2022

Samuthirapandi

... Petitioner/Accused No.1

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Tirunelveli Rural,
Tirunelveli District.
(Crime No.4 of 2022).

... Respondent/Complainant

For Petitioner : Mr.N.Mohideen Basha,
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.4 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.1, who was arrested and remanded to judicial custody on 04.03.2022 for the offences punishable under Sections 5 (1), 5(j)(ii) r/w 6, 19(1) r/w 21(1) of Protection of Children from Sexual Offences Act, 2012, and Section 9 of Prohibition of Child Marriage Act, 2006, in Crime No.4 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 27.01.2021, the petitioner had married the victim girl, who is aged about 16 years, in the presence of both of their parents. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the parents of the petitioner as well as the victim girl had arranged marriage without knowing the age of the victim girl, that the



marriage was solemnized on 27.01.2021 and due to that, the victim girl has given birth to a male child on 18.02.2022 and that at the time of the delivery, on the basis of the complaint lodged by the Social Welfare Officer, the present FIR came to be registered.

4.The learned Additional Public Prosecutor would submit that the parents of the victim girl as well as the petitioner had arranged the marriage, when the victim girl was 16 years old, that medical test were already over and that investigation is almost completed except receiving the medical test report.

5.Considering the above facts and circumstances and also the facts that medical examinations were already over, that investigation is almost completed except receiving the medical test report 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 Sessions Judge/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., for a period of thirty (30) 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 Sessions Judge/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 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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

25/04/2022

/ TRUE COPY /

25/04/2022

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.

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- TO
- 1 THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.
 - 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TIRUNELVELI RURAL,
TIRUNELVELI DISTRICT.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.N.MOHIDEEN BASHA, Advocate (SR-3760[I] dated 25/04/2022)

ORDER

IN

CRL OP(MD) No.6267 of 2022

Date :25/04/2022

RS/VR/SAR.3 (22.04.2022) 3P-6C