



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

Date : 08/06/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.8290 of 2022

WEB COPY

Jesuraj

... Petitioner/Accused No.1

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Vilathikulam,
Thoothukudi District.
(Crime No.3 of 2022).

... Respondent/Complainant

For Petitioner : Mr.M.Pandian
Advocate.

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.3 of 2022 on the file of the Respondent Police.

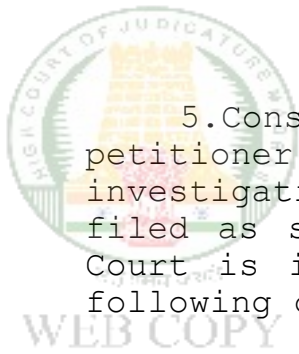
ORDER : The Court made the following order :-

The petitioner/accused No.1, who was arrested and remanded to judicial custody on 24.02.2022 for the offences punishable under Sections 9, 10 and 11 of Prohibition of Child Marriage Act, 2006 and under Section 5 (j) (ii), 5(i) r/w 6 and 16 of POCSO Act, 2012, 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 married the victim girl, who is aged about 15 years old and he had physical relationship with her. As a consequence, the victim girl was six months pregnant. Based upon which, the present case came to be registered against the petitioner. Hence, the complaint.

3.The learned counsel for the petitioner submitted that he is an innocent and he has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the above case.

4.The learned Additional Public Prosecutor would submit that investigation has already been completed and charge sheet has been filed.



5.Considering the above facts and also the facts that the petitioner is in judicial custody from 24.02.2022 and that investigation has already been completed and charge sheet has been filed as stated by the learned Additional Public Prosecutor, 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 Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi District.

(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., 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 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/-

08/06/2022

/ TRUE COPY /

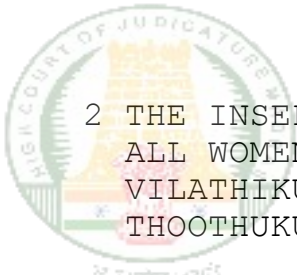
08/06/2022

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 JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
THOOTHUKUDI DISTRICT.



2 THE INSEPCTOR OF POLICE
ALL WOMEN POLICE STATION,
VILATHIKULAM,
THOOTHUKUDI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYANKOTTAI.

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

+1 CC to M/s.M.PANDIAN, Advocate (SR-5248[I] dated 08/06/2022)

ORDER

IN

CRL OP(MD) No.8290 of 2022

Date :08/06/2022

RS/PN/SAR.1 (08.06.2022) 3P-6C