



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(CRIMINAL JURISDICTION)

DATE : 05/05/2022

PRESENT

THE HON`BLE MR.JUSTICE **M.S.RAMESH**

CRL OP(MD) . NO.8578 OF 2022

MARIDURAI

... PETITIONER/ACCUSED NO.1

VS

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
PULIYANGUDI POLICE STATION,
TENKASI DISTRICT.
(CRIME NO.171 OF 2022).

... RESPONDENT/COMPLAINANT

FOR PETITIONER : MR.P.MANI ANANDH,
ADVOCATE.

FOR RESPONDENT : MR.A.THIRUVADIKUMAR,
ADDITIONAL PUBLIC PROSECUTOR.

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

PRAYER :-

For Bail in Crime No.171 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 judicial custody on 19.04.2022 for the offences punishable under Sections 6 r/w, 5(1), 5(n), 5(j)(ii), 17 of Protection of Child from Sexual Offences Act, 2012 and Section 9, 10 of Prohibition of Child Marriage Act, 2006 in Crime No.171 of 2022, on the file of the respondent police, seeks bail.

2. The petitioner herein, is aged about 29 years, who married the victim child on 02.07.2020 when he was 16 years old. The victim has also given birth to the child on 17.09.2005 and the fact that she was a minor was revealed only after the delivery of the child.



Both the petitioner and the victim along with the child were cordially living together.

3. The issue whether the provisions of POCSO Act has been attracted is a subject matter of investigation. Taking into account the peculiar circumstances of the case, wherein both the victim and the petitioner were living cordially in the same house, this Court is inclined to grant bail to the petitioner.

4. 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/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 one month 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 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]***.

Sd/-
05/05/2022

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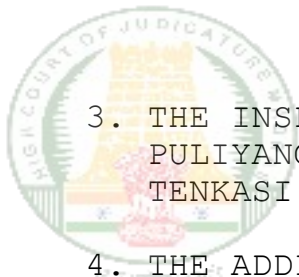
05/05/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.

2. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.



3. THE INSPECTOR OF POLICE,
PULIYANGUDI POLICE STATION,
TENKASI DISTRICT.

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

ORDER
IN
CRL OP (MD) No.8578 of 2022
Date : 05/05/2022

MGJ/VRS/SAR-3(05.05.2022) 3P 5C