



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

Date : 05/05/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.S.RAMESH

CRL OP(MD) . No.8804 of 2022

Raman

... Petitioner/Sole accused

Vs

The State Rep. By,
The Inspector of Police,
Viralimalai Police Station
Viralimalai,
Pudukottai District.
(Crime No.110 of 2022).

... Respondent/Complainant

For Petitioner : Mr.S.Sekar,
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.110 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 judicial custody on 12.04.2022 for the offences punishable under Sections 366 of IPC, 5(1) r/w.6(1)of POCSO (Amendment Act) 2019 Act and Section 9 of Prohibition of Child Marriage Act, 2006 in Crime No.110 of 2022, on the file of the respondent police, seeks bail.

2. According to the learned counsel for the petitioner, the victim girl was not aged about 17 years. Even assuming that the victim girl was aged about 17 years and she was a minor, the learned counsel for the petitioner submitted that he had married the victim girl with an intention to live with her.

3. The learned Additional Public Prosecutor would submit that the victim girl is aged about 17 years and therefore the offence has been altered into section 6(1)of POCSO (Amendment Act) 2019 Act and Section 9 of Prohibition of Child Marriage Act, 2006.



4. By taking into consideration the submission made by the learned counsel for the petitioner, this Court is inclined to grant bail to the petitioner. The age of the victim to be ascertained during the course of investigation.

5. 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, Illupur, Pudukottai 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., 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]***.

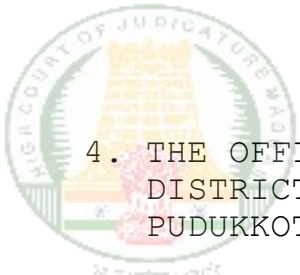
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05/05/2022

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

TO

1. THE JUDICIAL MAGISTRATE,
ILLUPPUR, PUDUKKOTTAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
VIRALIMALAI POLICE STATION, VIRALIMALAI,
PUDUKKOTTAI DISTRICT.



4. THE OFFICER-INCHARGE,
DISTRICT PRISON,
PUDUKKOTTAI.

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

+1. CC to M/S.SEKAR S Advocate SR.No.23457(F), DATE : 05.05.2022.

ORDER

IN

CRL OP(MD) No.8804 of 2022

Date :05/05/2022

AAV

USK/GSV/SAR-III/05.05.2022/3P/7C