



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/05/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.9041 of 2022

Dhivagar,
S/o.Jeyabalan, No.136/1, Arasamaram
Street, Karunakkamuthanpatti,
Uthamapalayam Taluk, Theni District..

... Petitioner/Accused No.1

Vs

The Inspector of Police,
All Women Police Station, Uthamapalayam,
Theni District.Cr.No.6/22.

... Respondent/Complainant

For Petitioner : M/s. Sundarapandian S,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

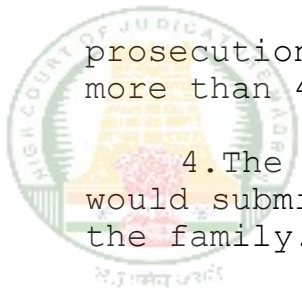
C-58B. For Bail in Crime No. 6/2022 on the file of the
Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 18.03.2022 for the offences under Section 366 IPC and Sections 9 and 11 of Protection of Child Marriage Act, 2006 and Section 5(j)(ii) r/w Sections 6 and 17 of POCSO Act, 2012 in Crime No.06 of 2022 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner is the husband of the victim girl, who is aged about 17 years and with the blessings of the family members, marriage was performed between the petitioner and the victim girl and after marriage, the victim girl has given birth to the child.

3. The learned counsel appearing for the petitioner would submit that without knowing the age of the victim girl and at the instigation of the family members, marriage was performed and the petitioner has not committed any offence as alleged by the



prosecution. He would submit that the petitioner is in prison for more than 40 days.

4. The learned Additional Public Prosecutor on instructions would submit that the marriage was performed by the elder members of the family.

5. Considering the facts and circumstances of the case and considering the period of incarceration, I am inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the learned Fast Track Mahila Court, Theni, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

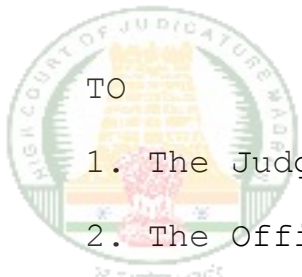
11/05/2022

/ TRUE COPY /

11/05/2022

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, Fast Track Mahila Court, Theni.
2. The Officer in Charge, District Prison, Theni.
3. The Inspector of Police,
All Women Police Station, Uthamapalayam,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL OP(MD) No.9041 of 2022
Date :11/05/2022

MGJ(11.05.2022) 3P 5C