



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/05/2022
PRESENT

The Hon'ble Mrs.Justice T.V.THAMILSELVI

CRL.OP(MD).No.9189 of 2022

1.Nalliyappan
2.Panju

... Petitioners/Accused Nos.1 & 2

Vs

State Rep.by
The Inspector of Police,
Balamedu Police Station,
Madurai District.
(Cr.No.55 of 2022)

... Respondent/Complainant

For Petitioner : Mr.Manoharan.R,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Cr.No.55 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who were arrested on 18.04.2022 for the offences under Section Girl Missing @ Sections 9, 10 of Child Marriage Act and Section 366 of IPC and Sections 5(1), 5(j)(ii) r/w 6, 16, 17 of Protection of Child from Sexual Offences Act 2012, in Cr.No.55 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the first petitioner lodged a complaint before the respondent for girl missing. Subsequently, the victim girl was secured. The victim girl stated that she loved one Ranjith Kumar and eloped with him. Thereafter, the petitioners performed marriage for the victim girl with another person. Hence, the present complaint.

3.The learned counsel for the petitioners submitted that the petitioners are the parents of the victim girl. Being the parents of the victim girl, they are being implicated in this case and they have not committed any offence as alleged by the prosecution.



4.The learned Additional Public Prosecutor for the respondent police objected for grant of bail. He submitted that investigation has completed and the statement of the victim girl was recorded.

5.On a perusal of the victim girl's statement, it is seen that the victim girl loved one Ranjith Kumar and due to that the petitioners arranged marriage for the victim girl with another person for her welfare, investigation is almost completed and the petitioners are in judicial custody from 18.04.2022.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Special Court for Exclusive Trial of Cases under POCSO Act, Madurai.

(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 first petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of two months and thereafter as and when required for interrogation;

(iii)the second petitioner shall report before the respondent as and when required for interrogation:

(iv)the petitioners shall not tamper with evidence or witness;

(v)the petitioners shall not abscond during trial;

(vi)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

18/05/2022

/ TRUE COPY /

18/05/2022

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



TO

1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

3 THE SUPERINTENDENT,
WOMEN CENTRAL PRISON,
MADURAI.

4 THE INSPECTOR OF POLICE
BALAMEDU POLICE STATION,
MADURAI.

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

+1 CC to M/s.R.MANOCHARAN, Advocate (SR-4685[I] dated 18/05/2022)

ORDER

IN

CRL OP(MD) No.9189 of 2022

Date :18/05/2022

RS/JM/SAR.2 (18.05.2022) 3P-7C