



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.9209 of 2022

Syman @ Saimon Paul Blessing

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Tirunelveli District.
Cr.No.7 of 2021.

... Respondent/Complainant

For Petitioner : M/s.K.Muthumalai,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.7 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner who was arrested on 30.04.2022 for the offences under Sections 5(1), 5(j)(ii) r/w 6 of Protection of Children from Sexual Offences Act 2012 and Section 9 and 10 of Prohibition of Child Marriage Act, 2006, in Cr.No.7 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the Executive Officer, Sagi One Stop Center of Government Medical College Hospital at Tirunelveli lodged a complaint stating that the first accused had sexual intercourse with victim girl on the pretext of marriage. When the victim girl went to Primary Health Centre for medical checkup, she came to know that she was pregnant. Hence, the elders of both family arranged marriage for the victim girl with the first accused. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is the husband of the victim girl. He further submitted that in order to rectify the mistake, the petitioner married the victim girl and the victim girl delivered a male child. Hence, he seeks bail.



4.The learned Additional Public Prosecutor for the respondent police objected for grant of bail and produced the copy of the statement recorded under Section 164 Cr.P.C. and he submitted that the investigation has almost completed.

5.It is seen that the victim girl delivered a male, it is a case of love affair, investigation is almost completed and the petitioner is in judicial custody from 30.04.2022.

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 learned Sessions Court, 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 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/-

18/05/2022

/ TRUE COPY /

19/05/2022

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

2 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC TO MR.K.MUTHUMARI, Advocate (SR-4832[I] dated 19.05.2022)

ORDER

IN

CRL OP(MD) No.9209 of 2022

Date :18/05/2022

RS/JM/SAR.2 (18.05.2022) 3P-6C