



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9432 of 2022

V. Ajithkumar,

... Petitioner/Accused No.1

Vs

The State Rep by,
The Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai City,
Crime No.10 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Babu Rajendran, Advocate.

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

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

PRAYER :-

For Bail in Crime No.10 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner who was arrested on 26.04.2022 for the offences under Sections 9, 10 of the Prohibition of Child Marriage Act and Section 5(1), 6 of the prohibition of Children Sexual Offences Act 2012, in Cr.No.10 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner married the victim girl, who is aged about 15 years. born on 07.07.2007. Hence, the compliant.

3.The learned counsel for the petitioner submitted that the petitioner is the husband of the victim girl. He further submitted that the victim girl is now 5 months pregnant. 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.

5.On a perusal of the victim girl's statement, it is seen that it is a case of love affair and investigation is almost completed and the petitioner is in judicial custody from 26.04.2022.

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 Special Judge, (POCSO), 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 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 /

18/05/2022

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

TTA

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 SPECIAL JUDGE (POCSO)
MADURAI

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUPPARANKUNDRAM,
MADURAI CITY,

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. CC to M/S.BABU RAJENDRAN Advocate SR.No.4693(I)

ORDER

IN

CRL OP(MD) No.9432 of 2022

Date :18/05/2022

PKP/JM/SAR-2/18.05.2022/3P/6C