



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

Date : 20/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.18867 of 2022

Chellapandi

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Rajathani Police Station,
Theni District.
Crime No. 192/2022.

... Respondent/Complainant

For Petitioner : M/s.Prabu M,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

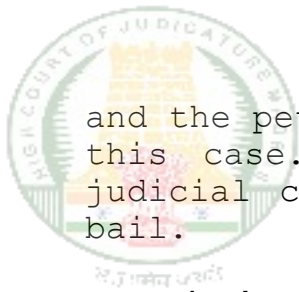
For Bail in Crime No.192 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 25.09.2022 for the offences punishable under Section 366 IPC, Section 9 of Prohibition of Child Marriage Act, 2006 and Section 6 of POCSO Act in crime No.192 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the de-facto complainant's daughter were loved each other. Against her wish, the victim parents arranged marriage to another person. Therefore, she left the home and married the petitioner on 23.09.2022. Hence, the complaint.

3.The learned counsel for the petitioner would submit that there is a love affair between the petitioner and the victim girl



and the petitioner is innocent and he has been falsely impl. in this case. He would further submit that the petitioner is in judicial custody from 25.09.2022 and hence, he may be released on bail.

4.The learned Additional Public Prosecutor strongly opposed this petition stating that the victim girl is aged about 15 years at the time occurrence. He would further submit that the major part of the investigation is almost over.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that the major part of the investigation is almost over, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Special Court/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., until further orders;

(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 Special Court/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 Special Court/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/-

20/10/2022

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20/10/2022

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



TO

1. THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM,
FAST TRACK MAHILA COURT, THENI.
2. THE OFFICER-INCHARGE,
DISTRICT PRISON, THEKKAMPATTI,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE
RAJATHANI POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.PRABU, Advocate (SR-11737[I] dated 20/10/2022)

ORDER

IN

CRL OP(MD) No.18867 of 2022

Date :20/10/2022

sj i

USK/SSS/SAR- /20.10.2022/3P/6C