



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

Date : 31/10/2022

PRESENT

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

CRL OP(MD) . No.19173 of 2022

Saravanan

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Sub Inspector of Police,
Rayapan Patti Police Station,
Theni District.
Crime No. 198 of 2022.

... Respondent/Complainant

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

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

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

PRAYER :-

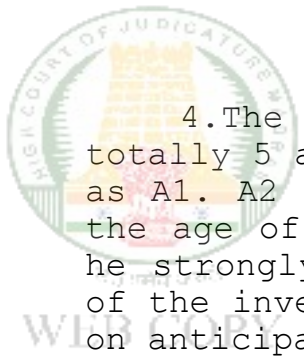
For Bail in Crime No. 198 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 28.08.2022 for the offences punishable under Sections 376 (3) IPC r/w Section 17(4), (2), 5(1) & Section 6 of POCSO Act, 2012, and Section 9 & 10 of Prohibition Child Marriage Act, 2006, in crime No.198 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that A1 married the victim girl, who was aged about 16 years. Hence, the present case came to be registered.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 28.08.2022 and co-accused are released on anticipatory bail by this Court. Hence, he prays for grant of bail to the petitioner.



4.The learned Additional Public Prosecutor would submit that totally 5 accused are involved in this case. The accused was arrayed as A1. A2 & A3 are the parents of A1. A4 & A5 are relatives. Since the age of the victim girl was 15 years at the time of occurrence, he strongly opposed to grant bail. But, however, the major portion of the investigation is over and the accused No.2 to 4 were released on anticipatory bail by the Lower Court.

5.Considering the facts and circumstances of the case and also considering the facts that the petitioner is in custody from 28.08.2022, the major part of the investigation might have been completed and the co-accused were released on bail, 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 for POCSO Act Cases, Theni.

(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 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 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/-

31/10/2022

/ TRUE COPY /

31/10/2022

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,
MAHALIR NEETHIMANDRAM,
FAST TRACK MAHILA COURT FOR POCSO ACT CASES,
THENI.
2. THE OFFICER-INCHARGE,
SUB JAIL, THEKAMPTTI,
THENI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
RAYAPAN PATTI POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.MATHAN, Advocate (SR-12125[I] dated 31/10/2022)

ORDER

IN

CRL OP(MD) No.19173 of 2022

Date :31/10/2022

dss

USK/SBN/SAR-I/31.10.2022/3P/6C