



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/11/2022

PRESENT

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

CRL OP(MD). No.21104 of 2022

WEB COPY

Rajadurai

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Serndhamaram Police Station,
Tenkasi District.
Crime No.299/2022.

... Respondent/Complainant

For Petitioner : M/s.Sivakumar S, 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 Cr No.299/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 01.10.2022 for the offences punishable under Section 366 IPC, Sections 6, 5(1) and 5(j)(ii) of Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, in crime No.299 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 10.03.2022, the petitioner took the victim girl and married her and out of marriage, she became four months pregnant. While the petitioner and the victim girl went to the Hospital for medical check up, the Doctor informed to the Social Welfare Officer, who in turn, gave the complaint to the respondent police stating that the victim's date of birth is 27.10.2005. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and he is in judicial custody from 01.10.2022. Hence, he prays for bail.

4.The learned Additional Public Prosecutor would submit that the victim girl is aged about 16 years and 164 statement of the victim girl was recorded and 8 witnesses have been examined.



However, considering the gravity of the offence, he strongly urged to grant bail to the petitioner.

5. Considering the period of incarceration and also considering the facts that 164 statement was recorded and 8 witness have been examined, 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 Judicial Magistrate, Tenkasi, and on further conditions that:

(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/-

29/11/2022

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29/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE, TENKASI.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE, SERNDHAMARAM POLICE STATION, TENKASI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-13913[I] dated 29/11/2022)

ORDER IN

CRL OP(MD) No.21104 of 2022

Date :29/11/2022

SJI

<https://www.mca.gov.in/> (29.11.2022) 2P-7C