



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD) . No.21986 of 2022

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Kishore

... Petitioner/Accused

Vs

The State Rep. By,
The Inspector of Police,
Tamil University Police Station,
Thanjavur District.
(Crime No.723 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Jegadeeswaran R,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.723 of 2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 13.10.2022 for the offence punishable under Sections 11 (iv), 12, 5(1), 6 of Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, in Crime No.723 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is that the petitioner had kidnapped the her minor daughter and performed the child marriage with her and thereafter, he had committed penetrative sexual assault on her and hence, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl were friends and on coming to know of the fact, the parents of the victim girl compelled her to marry another person and thereby, the victim had eloped with the petitioner. He would further submit that the petitioner is innocent and he is in judicial custody from 13.10.2022 and seeks bail.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that both the victim and the defacto complainant were living as husband wife. He would further submit that 164 statement of the victim was recorded, wherein the victim has stated that her father mis-behaved with her and his conduct is bad and she has also stated that the relationship between her and petitioner is consensual in nature. He would further submit that investigation of the case is pending and he seeks dismissal of the petition.

5. Taking into consideration of the facts and submissions made by the learned counsels and that 164 Statement of the victim was recorded and the petitioner is in judicial custody from 13.10.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Additional Mahila Court, Thanjavur, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall stay at Trichy and report before the Cantonment All Women Police Station daily at 10.30 a.m., for a period of two weeks and thereafter, once in a week i.e., on every Saturday at 10.30 am until further orders. of the respondent police until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];



(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
13/12/2022

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13/12/2022

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

TO

1. THE ADDITIONAL MAHILA JUDGE,
THANJAVUR.
2. THE OFFICER-INCHARGE,
DISTRICT PRISON, PUDUKOTTAI.
3. THE INSPECTOR OF POLICE,
TAMIL UNIVERSITY POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE INSPECTOR OF POLICE,
CANTONMENT ALL WOMEN POLICE STATION,
TRICHY.

+1 CC to M/s.JEGADEESWARAN R, Advocate (SR-14723[I] dated
13/12/2022)

ORDER
IN
CRL OP(MD) No.21986 of 2022
Date :13/12/2022

trp
USK/VR/SAR- /13.12.2022/3P/7C