



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28.12.2022
PRESENT

WEB COPY

The Hon`ble Ms.Justice R.N.MANJULA

CRL OP(MD) . No.23218 of 2022

Gunal

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Papanasam,
Thanjavur District.
(Crime No.28 of 2022).

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

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

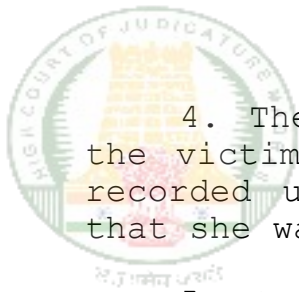
PRAYER :- For Bail in Crime No.28 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 14.10.2022 for the offences punishable under Sections 5(1) and 6 of POCSO Act and Section 9 of Prohibition of Child Marriage Act in Crime No.28 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 10.10.2022, the petitioner had married the victim girl, who is aged 13 years only, and he had sexual intercourse with her forcibly. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner and the victim girl were in love, for which, the victim girl's mother gave a false complaint and that the petitioner is in judicial custody from 14.10.2022, hence he seeks bail.



4. The learned Additional Public Prosecutor would submit at the victim girl is aged about 13 years and that in the statement recorded under Section 164 Cr.P.C., the victim girl has admitted that she was in love with the petitioner.

5. Considering the above facts and circumstances of the case and also the fact that it is a case of love affair and that the petitioner is in judicial custody from 14.10.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his 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, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur.

(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]**.

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

sd/-

28/12/2022

/ TRUE COPY /

28/12/2022

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

CSM

TO

1 THE SESSIONS JUDGE,

PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRIAL

OF CASES UNDER POCSO ACT, THANJAVUR.

<https://www.mhc.tn.gov.in/judis>



2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PAPANASAM,
THANJAVUR DISTRICT.

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

+1. CC to M/S. KARUNAKARAN.K.M Advocate SR.No.15603 (I)
Date:28/12/2022.

ORDER

IN

CRL OP(MD) No.23218 of 2022

Date :28/12/2022

SA/BUC/SAR. /28.12.2022/3P/6C