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

Date : 09/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.4503of 2023

Jakki John

... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
All Women Police Station Police Station,
Uthamapalayam
Theni District.
Crime No.8 of 2021..

... Respondent/Complainant

For Petitioner : M/s.Surya.P
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.8 of 2021 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 12.01.2023 for the offences under sections 9 and 10 of Prohibition of Child Marriage Act, 2006 @ 366,376(3) of IPC and sections 9 and 10 of Prohibition of Child Marriage Act, 2006 and section 5(j)(ii),6 and 17 of POCSO Act in Crime No.8 of 2021 on the file of the respondent police seeks bail.

2. The case came to be registered based on the complaint given by the social welfare officer. The marriage has been performed between the petitioner and the victim who is minor due to which she became pregnant, hence the case.



3. Heard both sides and perused the materials available on record including the First Information Report.

4. The petitioner got married the minor victim girl which was arranged marriage and it was arranged by both the families since the bridegroom is minor the complaint has been lodged by the social welfare officer. Taking into consideration of the facts and submissions made by the learned counsels and also the period of incarceration 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 Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30 A.M. for a period of two weeks and thereafter as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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/03/2023

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



TO

1 THE SESSIONS JUDGE, MAHALEER NEETHIMANDRAM
FAST TRACK COURT, THENI

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, UTHAMAPALAYAM,
THENI DISTRICT.

3 THE OFFICER IN CHARGE,
SUB JAIL, KANDAMNUR.

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

+1CC to M/s.P.Surya, Advocate (SR.NO.3779)

ORDER

IN

CRL OP (MD) No.4503 of 2023

Date : 09/03/2023

MGJ/SAR I/09/03/2023/3P/6C