



CRL OP(MD). No.21849 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/12/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

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Periyasamy @ Sanjay,

... Petitioner/ Accused (Single)

Vs

The Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
(Crime No.195/2023).

... Respondent/Complainant

For Petitioner : ANAND R.,
Advocate.

For Respondent : Mrs.M.AASHA,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.195/2023 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 03.11.2023 for the alleged offence punishable under Sections 5(j) (ii), 5(1), 6 of POCSO Act, 2012 and Section 9 of the Prohibition of Child Marriage Act, 2006 in Crime No.195 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein has married the victim



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girl, who is aged about 16 years and now, she is now became pregnant. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that based on the compulsion of relatives and his family members, the petitioner herein has married the victim girl and now, she is became pregnant. He would further submit that the petitioner is innocent and he is in jail from 03.11.2023 and hence, he seeks bail.

4. The learned Government Advocate (Crl. Side) would submit that petitioner herein has married the victim, who is aged about 16 years and now, she is now became pregnant. He would further submit that the investigation of the case is pending.

5. Considering the nature of allegations made against the petitioner and also considering the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court,



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Ramanathapuram and on further conditions that:

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(i) the petitioner shall appear before the trial Court on receipt of summons as directed by the trial Court.

(ii) the petitioner shall not tamper with evidence or witness;

(iii) the petitioner shall not abscond during trial.

(iv) 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/12/2023

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/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO
1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT, RAMANTHAPURAM.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.

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



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3 THE INSPECTOR OF POLICE,
MANDAPAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.R.ANAND, Advocate (SR-17283[I] dated 05/12/2023)

ORDER IN
CRL OP(MD) No.21849 of 2023
Date :05/12/2023

SA/SAR. /05.12.2023/4P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.