



CRL OP(MD)No.22460 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.12.2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD)No.22460 of 2023

Rajan

... Petitioner/ Accused

Vs

The Inspector of Police,
Sendamaram Police Station,
(*)Tenkasi District.
Crime No.275 of 2023

... Respondent/ Complainant

For Petitioner : Mr.S.SIVAKUMAR, Advocate

For Respondent : Mr.RMS.SETHURAMAN,
Additional Public Prosecutor.

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

PRAYER :- For Bail in Crime No.275 of 2023 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 07.11.2023 for the alleged offence punishable under Sections 6, 5(1), 5(n) of the Protection of Children from Sexual Offences Act, 2012 and Section 9 of the Prohibition of Child marriage Act, 2006 in Crime No.275 of 2023, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that on 07.07.2023, the petitioner called the victim girl, who is minor, to Sankarankoil and took her to Tiruppur Palladam and stayed along with her in a rented house. Thereafter, on 09.07.2023, at about 10.30 am., the petitioner married the girl and they were living together as husband and wife. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 07.11.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the investigation is not yet completed in this case.

5.Heard both sides and perused the materials available on record.

6.Considering the nature of allegations made against the petitioner and also considering the period of incarceration and taking note of the fact that statement of the victim girl recorded under Section 164 Cr.P.C., 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, this Court is inclined to grant bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail on condition to



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execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli and on further conditions that:

- (i) the petitioner shall appear before the trial Court on receipt of summons
- (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].

v) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
13/12/2023

(*) Amended as per order of the Court dt.18/12/2023 in CrI.MP(MD).17858/2023 in CrI.OP(MD).22460/2023.

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18/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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GNS

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 13/12/2023 ALREADY DESPATCHED

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES, TIRUNELVELI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE,
SENDAMARAM POLICE STATION, TENKASI DISTRICT.

4 THE INSPECTOR OF POLICE,
SENDAMARAM POLICE STATION, KANYAKUMARI DISTRICT.

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

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-17899[I] dated 18/12/2023)

ORDER IN

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Date :13/12/2023

SA/SAR. /13.12.2023/4P/6C

AAV

SA/SAR./18.12.2023/4P/7C

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