

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.6075 OF 2024

ORDER

Heard Mr. B. Balaji, learned counsel for the petitioner and Mr.S. Sudershan, learned Public Prosecutor for the State.

2. This petition is filed under Sections 437 and 439 of the Code of Criminal Procedure seeking regular bail.

3. The petitioner is accused No.1 in Sessions Case No.15 of 2024 on the file of the Special Sessions Judge for Trial of Cases under Protection of Children from Sexual Offences Act, 2012 (for short, 'the POCSO Act').

4. The case of the prosecution in brief is that the petitioner married a minor girl as his first wife has been passed away and had sexual act with her. Thus the petitioner has committed offences under Sections 9, 10, 11 of the Prohibition of Child Marriage Act, 2006 and Sections 376(2) (n), 376(3), 109 r/w 34 of Indian Penal Code, 1860 (for short, 'the IPC') and Section 5(1) r/w 6, 17 of the POCSO Act, 2012.

5. Learned counsel for the petitioner submits that the petitioner is innocent and he is in judicial custody since 12.03.2024. He pleaded that the investigation is completed investigation and the charge sheet is filed. Further, the petitioner is ready to furnish sufficient sureties and participate in the judicial process and abide by any condition that may be imposed. Hence prayed for grant of regular bail.

6. Learned Additional Public Prosecutor opposed bail application and submitted that the material against the petitioner are apparent that he married a minor girl and had sexual intercourse. However the charge sheet has been filed and the matter is coming up for trial. Further clarified that except for securing the presence of the petitioner for judicial process, there is no other ground for continuance of the petitioner in custody.

7. I have considered the submissions of the learned counsel and perused the materials on record.

8. Though the petitioner is prime accused, having regard to the fact of completion of investigation and filing of charge sheet and the period undergone by the petitioner in judicial custody and the objection of the prosecution for bail is only for securing the

presence of the petitioner for judicial process, this Court is inclined to grant bail to the petitioner, however with some conditions to meet the apprehension of the prosecution.

9. The petitioner is granted bail on the following conditions:

- i) Petitioner/Accused No.1 shall be released on bail, subject to his executing a personal bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of the Special Sessions Judge for Trial of Cases under Protection of Children from Sexual Offences Act.
- ii) Petitioner/accused No.1 shall appear before the trial Court on each date fixed, unless personal presence is exempted.
- iii) The petitioner/accused No.1 shall not leave India without permission of the Court and shall deposit his passport and in case he does not possess a passport, he shall file an affidavit to that effect.
- iv) Petitioner/Accused No.1 shall not influence or intimidate any witnesses or tamper with the evidence of the prosecution.
- v) Petitioner/Accused No.1 shall not indulge in any illegal activity.

- vi) In case, petitioner/Accused No.1 commits breach of any of the above conditions, the bail granted is liable to be cancelled at the instance of the prosecution.

10. Accordingly, the Criminal Petition is allowed.

Pending miscellaneous applications, if any, in this Criminal Petition shall stand closed.

N.TUKARAMJI, J

Date:12.06.2024
ccm