



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

Wednesday, the Eighth day of November Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14988 of 2017

N.BALU

... PETITIONER/ACCUSED No.3

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VALLAM, THANJAVUR DISTRICT
CRIME NO.4/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.SENTHIL KUMAR Advocate

For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 18.09.2017, for the alleged offences punishable under Sections 4,6 and 7 of Protection of Child from Sexual Offences Act, 2012 and Section 9 of Child Marriage Restrained Act, 1929 and Sections 323 and 506(i) I.P.C., in Crime No.4 of 2017 seeks bail.

2. The case of the prosecution is that the victim girl's life was spoiled by her mother and her father-in-law by illegally performed child marriage to the petitioner's son, who was already married one women and got two children, even though her mother and her father-in-law was having illegal intimacy. Thereafter, the victim girl was chased away and she was misused by other illegal persons, who were doing prostitution and the victim girl's life was fully spoiled by the petitioner and her own mother only. After a long suffering, the victim girl/defacto complainant has lodged a complaint against the accused person and others, who were spoiled her life.

3.It is the most unfortunate event that the minor victim girl namely, Mahalakshmi herself lodged a complaint as follows:

When the defacto complainant was studying tenth standard at Sevai Illam Higher Secondary School, one day prior to the public exam, the defacto complainant's mother called the defacto complainant stating that her mother was ill. Thereafter, the defacto



complainant's mother solemnized marriage with the petitioner's son before the petitioner herein. After her marriage, she came to know that her mother is having illegal relationship with her father-in-law. Thereafter, the petitioner's son stated to the defacto complainant that he was already married and he got two children from his first wife. After that, he chased away the defacto complainant from the home. Thereafter, the 1st accused / the mother of the defacto complainant brought the defacto complainant to the hospital and aborted her daughter's pregnancy. Thereafter the defacto complainant was admitted in Kaduvelli Home near Thiruvaiyar and after three months, the 1st accused/defacto complainant's mother brought the defacto complainant with her to her home. Since the defacto complainant's mother had illegal intimacy with several persons, the defacto complainant disliked the same and ran out of the house. While she was standing near old bus stand, Thanjavur, the 4th accused arrived to the defacto complainant and assured that she would take care of her in a good manner. But, thereafter, the 4th accused foisted a false blame on the defacto complainant and tortured her and the 4th to 6th accused made her to do prostitution. Thereafter the defacto complainant escaped from the 4th to 6th accused and she was rescued by the child help line.

4. The learned Government Advocate (Crl.side) appearing for the State reiterated the F.I.R allegations. He further submitted that investigation is still pending and some other persons have to be identified in this case and it is necessary for further investigation to identify the persons, who made her to do prostitution. The learned Government Advocate vehemently opposed for granting bail.

5. The learned counsel for the petitioner submitted that the petitioner is the father-in-law of the defacto complainant. The petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and he did not have any illegal relationship with the defacto complainant's mother.

6. Considering the facts and circumstances of the case and also considering the fact that it is most unfortunate event that the victim girl's life was spoiled by her mother and her father-in-law/petitioner herein and also considering the submissions made by the learned Government Advocate (Crl.side) that it is necessary to identify the other accused persons for further investigation, I am not inclined to grant bail to this petitioner/Accused No.3. Accordingly, this criminal original petitioner is dismissed.

sd/-

08/11/2017

/ TRUE COPY /



TO

1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VALLAM, THANJAVUR DISTRICT

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

3 THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY

+1. CC to M/S.T.SENTHIL KUMAR Advocate SR.No.

ORDER

IN

CRL OP(MD) No.14988 of 2017

Date :08/11/2017

SMA/RR/SAR-1/15.11.2017:2P/5C