



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

Wednesday, the Nineteenth day of September Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.16580 of 2018

S.MUTHUKUMAR

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
TIRUNELVELI JUNCTION POLICE STATION,
TIRUNELVELI DISTRICT.
(CR NO.194/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.MUTHUMALAI RAJA Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

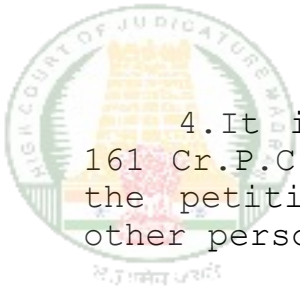
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 09.07.2018 for the offences punishable under Sections 366(A) IPC and Section 6 of POCSO Act, in Crime No.194 of 2018 on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that there was some misunderstanding between the petitioner and his wife and a divorce petition is pending between them. In these circumstances, the petitioner fell in love with the victim girl aged about 17 years. The petitioner is a married man and having two children. They eloped on 30.06.2018 and they got married. After a week, the petitioner and the victim girl themselves returned to their home. Hence, the complaint.

3.The learned counsel for the petitioner would submit that admittedly the petitioner is married man and having two children. Since the divorce petition is pending. He fell in love with the victim girl, only on the instigation of the victim girl, on 30.06.2018 they went Tiruchendur and got married.



4.It is seen from the statement of the victim, under Section 161 Cr.P.C on 30.06.2018, only on her instigation, she eloped with the petitioner. Since her family members arranged marriage with other person.

5.Considering the facts and circumstances of the case and the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(i) the petitioner shall 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 Mahalir Neethimandram, Tirunelveli.

(ii)the petitioner shall appear before the respondent police as and when required for interrogation.

sd/-
19/09/2018

/ TRUE COPY /

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

TO

1 THE MAHALIR NEETHIMANDRAM,
TIRUNELVELI.

2 THE INSPECTOR OF POLICE,
TIRUNELVELI JUNCTION POLICE STATION,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1. CC to M/S.S.MUTHUMALAI RAJA Advocate SR.No. 17822

ORDER
IN
CRL OP(MD) No.16580 of 2018
Date :19/09/2018

JM/VR MMS/SAR 3/19.09.2018/2P/6C