



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

Tuesday, the Twenty Fifth day of September Two Thousand and Eighteen

PRESENT

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

CRL OP (MD) No.16675 of 2018

KUMARASAMY

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUCHENDUR,
THOOTHUKUDI DISTRICT.
IN (CRIME NO.9 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.V.MALAIYENDRAN, 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 02.08.2018 for the offences punishable under Sections 5(1) and 6 of Protection of Child from Sexual Offences Act, 2012 in Crime No.9 of 2018 on the file of the respondent police. He seeks bail.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

3.The case of the prosecution is that the defacto complainant lodged a complaint on 25.06.2018 alleging that the victim girl and the petitioner were fell in love; Therefore, on 30.05.2018, at about 1.00 p.m., when the victim girl was alone in the house, the petitioner committed rape on her on false promise that he would marry. Hence, the complaint.

4.The learned counsel for the petitioner would submit that the petitioner and the victim fell in love and he wants to marry the victim girl. Further, a joint affidavit has been filed by the defacto complainant and father of the petitioner herein agreed for their marriage after attaining the age of majority of the victim girl.



5.The learned Additional Public Prosecutor also verified the same and stated that the complainant's family and the petitioner's family have agreed to arrange marriage between the petitioner and the victim girl, after attaining the age of majority.

6.Considering the facts and circumstances of the case, 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 learned District Judge, Mahila Neethimandram, Thoothukudi District.

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

sd/-
25/09/2018

/ TRUE COPY /

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

TO

1.THE DISTRICT JUDGE,
MAHILA NEETHIMANDRAM,
THOOTHUKUDI DISTRICT.

2.THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUCHENDUR, THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.V.MALAIYENDRAN, Advocate SR.No.18234.

ORDER
IN
CRL OP(MD) No.16675 of 2018
Date :25/09/2018