



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.10.2021

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PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15838 of 2021

S.Santhanamunishwaran ... Petitioner/Sole Accused

Vs

State Rep by
The Inspector of Police,
All Women Police Station,
Tuticorin District.
Crime No.38 of 2021 ...Respondent/Complainant

For Petitioner : Mr.KA.Raamakrishnan
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.38 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested on 07.09.2021 for the alleged offence under Sections 5(1) r/w 6 of POCSO Act and Section 9 of Prohibition of Child Marriage Act in Crime No.38 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner married the minor victim girl and had physical relationship with her. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner never committed any offence as alleged by the prosecution. The petitioner and the victim girl loved each other and were intending to marry. He would further submit that at the



time of occurrence, the minor girl is aged about 17 years and 9 months and now she attained the age of majority (i.e) 19 years and the complaint was given after two years from date of occurrence. He is in judicial custody from 07.09.2021 and hence, he seeks for grant of bail.

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4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is a married man and without getting divorce, he married the minor girl and also had physical relationship with her. He has produced the statement of the victim girl recorded under Section 164 Cr.P.C. He would further submit that the investigation is almost completed.

5.It is seen from the records that the petitioner is a married man and without getting divorce, he married the victim girl and had physical relationship with her and videographed the same and grabbed money from her by threatening her that he would publish the photograph in the social media.

6.Considering the serious nature of offence committed by the petitioner and also his conduct, this Court is not inclined to grant bail to the petitioner.

7.In the result, this petition is dismissed.

sd/-
12/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

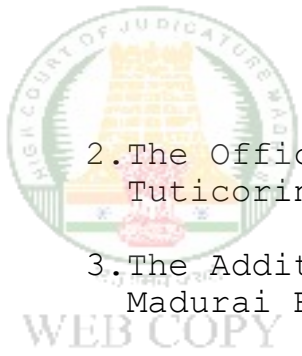
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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1.The Inspector of Police,
All Women Police Station,
Tuticorin District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Officer Incharge, District Prison, Perurani,
Tuticorin District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.15838 of 2021
Date :12.10.2021

TR/SKN/SAR-I(20.10.2021) 3P 4C