



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

Date : 29/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18696 of 2021

G.Magenthiran

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Sattur Town Police Station,
Virudhunagar District - 626 203
(Crime No. 413 of 2021).

... Respondent/Complainant

For Petitioner : Mr.R.RAJESH KUMAR, Advocate.

For Respondent : Mr.R.MEENAKSHI SUNDARAM,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.413 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is remanded and judicial custody from 30.09.2021 for the offences punishable under section 366 of IPC, 9 of Prohibition of Child Marriage Act and 5 (1) r/w 6 of POCSO Act, 2012, in Crime No.413 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim girl is aged about 16 years and the accused is aged about 26 years. The accused and the victim girl started their relationship through instagram. Subsequently, the petitioner deceived the victim girl to accompany him and thereafter, he allegedly married the victim girl and committed the offence of aggravated penetrative sexual assault. Hence, this complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He is in judicial custody from 30.09.2021 and hence, he seeks bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that this Court, has dismissed the bail application of the petitioner in CrI.OP(MD)No.17399 of 2021, vide order dated 10.11.2021. Now, charge sheet has been filed before the Mahila Court, Virudhunagar District and the case was taken on file in Spl.C.C.No.70 of 2021 and the same was posted to 10.12.2021 for the appearance of engaging counsel.



5.It is the specific case of the prosecution that the victim girl is 16 years and the petitioner/accused is 26 years.

6.Considering the seriousness and gravity of the offence alleged and also considering the fact that the charge sheet was taken on file in Spl.C.C.No.70 of 2021 by the Mahila Court, Virudhunagar District, this Court is not inclined to grant bail to the petitioner at this point of time.

7.However, the learned Sessions Judge, Mahila Court, Srivilliputtur, Virudhunagar District, is directed to expedite the trial and dispose the case as early as possible.

8.Registry is directed to mark a copy of this order to the learned Sessions Judge, Mahila Court, Srivilliputtur, Virudhunagar District.

9.With the above direction, this Criminal Original Petition is dismissed.

sd/-
29/11/2021

/ TRUE COPY /

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

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 SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 2 THE INSPECTOR OF POLICE
SATTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT - 626 203
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

- 1 THE REGISTRAR(JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 2 THE SESSIONS JUDGE,
MAHILA COURT, SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

ORDER IN

CRL OP(MD) No.18696 of 2021
Date :29/11/2021

SA/PN/SAR.3/06.12.2021/2P/6C

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