



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

Date : 16.12.2021

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.19752 of 2021

WEB COPY

G.Magenthiran

... Petitioner/Accused

Vs

State represented by
The Inspector of Police,
Sattur Town Police Station,
Virudhunagar District.
(Crime No.413 of 2021)

... Respondent/Complainant

For Petitioner : Mr.Lakshmi Gopinathan, Advocate for
POLAX LEGAL SOLUTIONS

For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

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

PRAYER :-

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

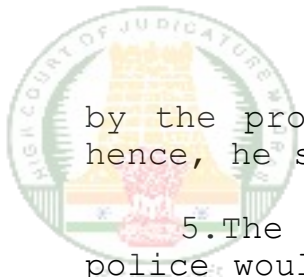
ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 30.09.2021 for the offences punishable under Section 366 IPC, Section 9 of Prohibition of Child Marriage Act and Section 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 earlier petition filed by the petitioner was dismissed by this Court vide order dated 29.11.2021 in CrI.O.P.(MD)No.18696 of 2021.

4.The learned counsel for the petitioner would submit that the victim girl is aged about 17 years and the petitioner and the victim girl were in love with each other. He would also submit that the petitioner is innocent, he has not committed any offence as alleged



by the prosecution and he is in judicial custody from 30.09.2021, hence, he seeks bail.

5.The learned Additional Public Prosecutor for the respondent police would submit that the petitioner and the victim girl were in love, that after registration of the FIR, the mother of the victim girl has appeared before the respondent police and gave a letter in writing as no further action is necessary in respect of the complaint lodged by her and that the father of the petitioner has also given a letter in writing that both the family members are ready to solemnize the marriage between the petitioner and the victim girl after the victim girl attains the stage of 18 years.

6.Considering the facts and circumstances of the case and also the subsequent developments as stated by the learned Additional Public Prosecutor and also taking note of the fact that the petitioner is in judicial custody from 30.09.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Special Court for POCSO Act, Srivilliputhur.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(iii)the petitioner shall not tamper with evidence or witness.

(iv)the petitioner shall not abscond during trial.

(v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

(vi)If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

16/12/2021

/ 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 JUDGE,
SPECIAL COURT FOR POCSO ACT,
SRIVILLIPUTHUR.
- 2 THE INSPECTOR OF POLICE
SATTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 3 THE SUPERINDENT
CENTRAL PRISON,
MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.POLAX LEGAL SOLUTIONS Advocate SR.No.9329

ORDER
IN
CRL OP(MD) No.19752 of 2021
Date :16/12/2021

RS/PN/SAR3(16.12.2021) 3P-6C