



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.19888 of 2021

Ponirulan ... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Aruppukkottai All Women Police Station,
Virudhunagar District.
Cr.No.21/2021. ... Respondent/Complainant

For Petitioner : M/s. Chakkaravarthy.S.J,
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. 21 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3 herein, who was arrested on 11.11.2021 for the alleged offence under Sections 366 IPC, Section 5 (1) r/w 6 of POCSO Act, 2012 and Section 9, 10 Child Marriage Restraint Act 2006, in Crime No.21 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 16.10.2021 the first accused who is aged about 25 years took the victim girl who is aged about 15 years, and performed marriage with the help of this petitioner and his mother and after lived as husband and wife in their house, they quarreled with the victim girl and forced her to remove thali and driven her to her parental home. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has not committed any



offence as alleged by the prosecution. He is only the brother of the A1. The Co-accused the mother of A1 has been released on bail by this Court in Crl.O.P.(MD).No.19315 of 2021 dated 07.12.2021.

4.The learned Additional Public Prosecutor submitted that there is no previous case against the petitioner.

5.Reading of the FIR shows that this petitioner was also alleged to be present with the marriage took place between the first accused and the victim girl. The victim girl and the first accused fell in love when they were working in a Mill. Because of the love affair, marriage was performed on 18.10.2021. Except this overt act, no other allegation is made against this petitioner. The victim is aged about 15+ years at the time of alleged marriage and subsequent allegation also been made with regard to the sexual assault.

6.Considering the limited allegation against the petitioner, the fact that the co-accused who is the mother of the petitioner is released on bail by this Court and considering the period of incarceration, this Court is inclined to grant bail to the petitioner with conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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 Judicial Magistrate, Aruppukottai, Virudhunagar District and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
14/12/2021

/ 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. Judicial Magistrate, Aruppukottai,
Virudhunagar District.
 2. Do-Through The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.
 3. The Officer Incharge, Sub Jail, Virudhunagar.
 4. The Inspector of Police,
Aruppukottai All Women Police Station,
Virudhunagar District.
 5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to M/S. CHAKKKARAVARTHY.S.J Advocate SR.No.9236

ORDER
IN
CRL OP(MD) No.19888 of 2021
Date :14/12/2021

RS/PN/SAR3(14.12.2021) 3P-7C