



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13575 of 2022

JAIKALAISELVAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NANNILAM,
THIRUVARUR DISTRICT
CRIME NO.8 OF 2022.

[RESPONDENT]

For Petitioner : M/S.M.MAHARAJA Advocate

For Respondent : MR.A.DAMODARAN, Additional public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 31.03.2022 at the hands of the respondent police for the offences punishable under Sections 11(4) r/w 12, 5(1), 5(j)(ii) r/w 06 of POCSO Act, 2012 and Section 506(i) of IPC in Crime No.08 of 2022, seeks bail.

2. The case of the prosecution is that the victim girl is aged about 16 years and at the pretext of marriage, the accused had aggravated penetrative sexual assault on the victim girl. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is only 19 years and he is very small boy. He would further submit that if the petitioner is not left out, his entire future will be spoiled. The victim girl is the petitioner's neighbour and he is ready and willing to take care as his wife. The petitioner was arrested and remanded to judicial custody on 31.03.2022. Hence, he sought for bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the victim girl is aged only about 16 years. He had further produced the statement recorded under Section 164 Cr.P.C. A perusal of the statement revealed that the girl was born on 31.08.2005 and not even completed 17 years. The petitioner is also aged only about 19 years. Only after completion of 21 years for the petitioner, the marriage will be solemnized that too after attainment of majority of the victim girl. Due to the physical relationship, the victim girl got pregnant and thereafter it was aborted since the victim girl is aged only about 16 years. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration of the above facts and circumstances of the case, since the petitioner has committed very serious and heinous offence as against the victim girl, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

13/06/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NANNILAM, THIRUVARUR DISTRICT

2 THE OFFICER INCHARGE
SUB JAIL, NAGAPATTINAM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.MAHARAJA Advocate on payment of necessary charges
SR.NO.8912

CRL OP.13575/2022

Date :13/06/2022

JPA 16/06/2022