



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Seventeenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14066 of 2022

MALAIYARASAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
KORADACHERY POLICE STATION,
THIRUVARUR DISTRICT.
(CRIME NO.59 OF 2022)

[RESPONDENT]

For Petitioner : M/S.P.MUTHAMIZH SELVAKUMAR Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 28.03.2022 at the hands of the respondent police for the offences punishable under Sections 366A of IPC and Sections 5(I) r/w 6 of Protection of Children from Sexual Offence Act, 2012 r/w Section 9 of Prohibition of Child Marriage Act, 2006, in Crime No.59 of 2022, seeks bail.

2. The case of the prosecution is that the petitioner fell in love with the victim girl aged about 17 years. On the pretext of marriage, he kidnapped the victim girl and on compulsion tied Thaali. Thereafter, on compulsion he had physical relationship with the minor victim girl. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner fell in love with the victim girl who is aged about 17 years. Thereafter, the petitioner and the victim girl got married. The petitioner was arrested and remanded to judicial custody on 28.03.2022. Hence, he sought for bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the petitioner on the pretext of false marriage, on compulsion had sexual intercourse with the victim girl who is aged about 17 years. He had also produced the statement recorded under Section 164 Cr.P.C. A perusal of the statement revealed that the petitioner threatened the victim to fell in love with him. Thereafter, on threatening on knife point, the petitioner kidnapped the victim girl and had physical relationship that too on her compulsion. Further the victim girl stated that even after recording the statement under Section 164 Cr.P.C, the petitioner threatened her with dire consequences. Therefore, the intention of the petitioner is not going to marry the victim girl. Only on the pretext of marriage, he had physical relationship with the minor victim girl. 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 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/-

17/06/2022

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,
KORADACHERY POLICE STATION,
THIRUVARUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, THIRUVARUR.

+1 CC to M/S.P.MUTHAMIZH SELVAKUMAR Advocate on payment of necessary charges SR.NO. 9438

CRL OP.14066/2022

Date :17/06/2022

RW-23/06/2022