



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirtieth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14695 of 2022

SURENDHAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
BOMMIDI POLICE STATION,
DHARUMAPURI DISTRICT
CRIME NO.111 OF 2022.

[RESPONDENT]

For Petitioner : M/S M.P.SARAVANAN 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 20.05.2022 at the hands of the respondent police for the offences punishable under Sections 366, 363 of IPC and 3, 4(1) of Protection of Children from Sexual Offence Act, 2012 in Crime No.111 of 2022, seeks bail.

2. The case of the prosecution is that on the pretext of marriage, the petitioner kidnapped the victim girl who is aged about 17 years and had committed sexual assault on the 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 and had physical relationship. The victim girl on her own eloped with the petitioner and the petitioner is now ready and willing to marriage her immediately after completion of 18 years of the victim girl.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner on the pretext of marriage, had penetrative sexual assault on the victim girl. A perusal of the statement recorded under Section 164 of Cr.P.C., revealed that the victim girl is aged about 17 years and fell in love with the petitioner. Both eloped and they had physical relationship. Thereafter, on the complaint lodged by the parents of the victim girl, she was secured. Hence, he vehemently opposed to grant bail to the petitioner.

5. This Court summoned the victim girl and her parents. The victim girl is now with her parents and stated that she fell in love with the petitioner and had physical relationship. However, she wants to continue her studies. The parents of the victim girl deposed before this Court that they are not willing to marry the victim girl to the petitioner and they want to go for further studies of the victim girl. The petitioner compelled the victim girl and had physical relationship since she is a minor.

6. Taking into consideration of the above facts and circumstances of the case, since the petitioner had committed penetrative sexual assault on the minor victim girl on the pretext of marriage, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

30/06/2022

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 SUPERINTENDENT,
CENTRAL PRISON, SALEM.

2 THE INSPECTOR OF POLICE,
BOMMIDI POLICE STATION,
DHARUMAPURI DISTRICT.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

CC to M/S M.P.SARAVANAN Advocate on payment of necessary charges

CRL OP.14695/2022

Date :30/06/2022

RW-07/07/2022