



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the First day of July Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14864 of 2022

SARATH

[PETITIONER / ACCUSED]

Vs

THE STATE BY
THE INSPECTOR OF POLICE,
W-13, ALL WOMEN POLICE STATION,
WASHERMENPET,
CHENNAI.
CRIME NO.6 OF 2021.

[RESPONDENT]

For Petitioner : M/S.A.VIJAYA SANKAR Advocate

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

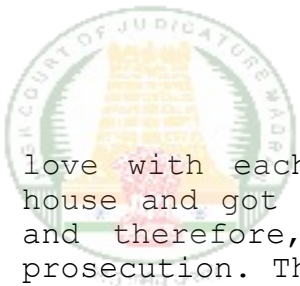
PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 16.05.2021 for the offences punishable under Sections 6 & 17 of POCSO Act, 2012 and Sections 9 and 10 of Child Marriage Restraint Act, 1929 and Sections 324 & 506(ii) of IPC in crime No.6 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is a minor girl aged about 17 years. The petitioner got married the victim girl on 07.05.2021 at Periyapalayam Mariyamman Koil and thereafter started matrimonial life at his residence. Thereafter he assaulted her brutally. Hence, the case.

3. The learned counsel for the petitioner would submit that on 15.05.2021, the petitioner had a wordy quarrel with her and at that time he assaulted her, thereby she sustained injury. Thereafter, the mother of the petitioner intercepted and admitted her in hospital. He would further submit that the petitioner and the victim girl fell in



love with each other and she voluntarily came to the petitioner's house and got married. The petitioner has no knowledge about her age and therefore, he never committed any offence as alleged by the prosecution. Therefore, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the victim's age is 17 years and this petitioner is a history sheeter having six previous cases. He took the victim to marry and after that, he consumed 'ganja' and assaulted her brutally. Thereafter, the neighbours complained to the police and the respondent police rescued the victim girl. Hence, he vehemently opposed to grant bail to the petitioner.

5. On perusal of the statement recorded under Section 164 of Cr.P.C., revealed that the victim is aged about 17 years and the petitioner is aged about 28 years, who is a history sheeter. On the pretext of false marriage, quoting sugar quoted words to the victim, he had penetrative sexual assault on her. Thereafter, he had taken her to his home and tortured her. In fact, the neighbours made complaint and she was rescued. That apart, the petitioner attacked the victim by knife on her head, legs and hands, by which she sustained grievous injuries. Therefore, the petitioner has committed very serious and heinous offence as against the minor victim girl and this court is not inclined to grant bail to the petitioner.

6. Accordingly, the criminal original petition is dismissed.

-sd/-
01/07/2022

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,
W-13, ALL WOMEN POLICE STATION,
WASHERMENTPET, CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI



3. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.A.VIJAYA SANKAR Advocate on payment of necessary
charges

CRL OP.14864/2022

Date :01/07/2022

JPA 07/07/2022