



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/01/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.193 of 2022

Selvendran,

... Petitioner/Accused No.1

Vs

The State Rep. by,
The Inspector of Police,
Aruppukottai All Women Police Station,
Virudhunagar District.
in Crime No.21/2021.

... Respondent/Complainant

For Petitioner : MR.S.J.Chakkaravarthy, Advocate

For Respondent : Mr.S.S.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.21/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1 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 Sections 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 petitioner /A1, took the victim girl who is aged about 15 years, and performed marriage with the help of the other accused and after living as husband and wife in their house, they quarrelled with the victim girl and forced her to the 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 he has not committed any offence as alleged by the prosecution. The defacto complainant fell in love with the petitioner and hence, the petitioner and the defacto complainant were married and only the defacto complainant has deceived the petitioner by claiming that she has reached the age of marriage. The Co-accused / A2 and A3 has been released on bail by this Court in CrI.O.P.(MD).Nos.19315 and 19888 of 2021.

4.The learned Government Advocate submitted that the age of the victim is 15 years old. 164 statement of the victim reveals that after sexual intercourse, she has been thrown out. The offence is serious in nature and prayed the petition to be dismissed. .

5.It is seen that the petitioner is in custody for the past 60 days. Considering the period of incarceration and also considering the fact that the co-accused were released on bail by this Court, this Court is inclined to grant bail to the petitioner with conditions.

6.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/-

06/01/2022

/ TRUE COPY /

/ /2022

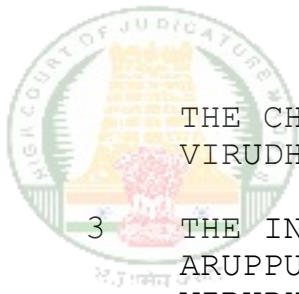
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS

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 THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.



THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
ARUPPUKOTTAI ALL WOMEN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE OFFICER INCHARGE
VIRUDHUNAGAR SUB JAIL, VIRUDHUNAGAR.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.193 of 2022
Date :06/01/2022

PKP/PN/SAR-1/06.01.2022/3P/6C