



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/01/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.415 of 2022

WEB COPY

Muthamiz

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
Cr.No. 899 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Karnan G,
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.899 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused herein, who was arrested on 21.11.2021 for the alleged offence under Sections 366 of IPC and Section 5 (1) & 6 of POCSO Act and Section 9 of Child Marriage Restraint Act 2006 in Crime No.899 of 2021, on the file of the respondent police, seeks bail.

2.The allegation against the petitioner is that he married a minor girl and committed repeated sexual assault against the minor girl. A case in Crime No.899 of 2021 has been registered.

3.On the side of the petitioner it is stated that the victim was produced on 22.11.2021 and her statement was already recorded. In the statement, she has stated that she has eloped with the petitioner on her own. On 24.11.2021, 164 statement was recorded. Medical test for the accused was already over. An undertaking affidavit to the effect that not to disturb the victim and her family members was also filed by the petitioner. He is in custody for the past 64 days and prayed the petitioner to be released on bail.

4.On the side of the prosecution, it is stated that the victim is aged about 17 years old girl and repeated sexual assault was



mentioned in the 164 statement recorded from the victim and prayed the petition to be dismissed.

5.The age of the petitioner is 19 years. The petitioner is in custody for the past 67 days. Considering the period of incarceration and considering the age of the petitioner, this Court is inclined to grant bail to the petitioner with certain 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 Sessions Judge of Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of thirty days.

sd/-

25/01/2022

/ TRUE COPY /

25/01/2022

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

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 Sessions Judge of Special Court for
Exclusive Trial of Cases under POCSO Act,
Thanjavur.
- 2.The Superintendent,
Central Prison, Trichy.
- 3.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

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