



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/01/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.1260 of 2022

Sasikumar

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Annavasal Police Station,
Pudukkottai District.
(In Crime No. 746 of 2021).

... Respondent/Complainant

For Petitioner : Mr.B.Sekar,
Advocate.

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

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

PRAYER :-

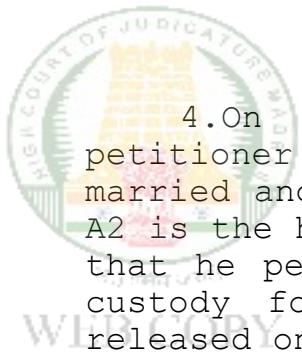
For Bail in Crime No.746 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2 herein, who was arrested on 26.12.2021 for the alleged offence under Sections 5(1) r/w 6(1), 17 of POCSO Amendment Act, 2019 and Sections 9 and 10 of Prohibition of Child Marriage Act, 2006, in Crime No.746 of 2021, on the file of the respondent police, seeks bail.

2.The case against the petitioner is that a marriage was performed between the A1 and the minor girl and that A1 committed sexual assault. Therefore, a case in Crime No.746 of 2021 was registered.

3.The petitioner was arrested on 26.12.2021. The petitioner filed a petition for bail in Cr.M.P.No.8 of 2022 before the learned Sessions Judge, Mahila Court, Pudukkottai. That petition was dismissed by the trial Court. Hence, the petitioner has come forward with this petition.



4.On the side of the petitioner it is stated that the petitioner is the second accused in the case. A1 and the victim girl married and the co-accused A3 and A4 were already released on bail. A2 is the husband of A4 and the allegation against the petitioner is that he permitted A1 to reside in his house. The petitioner is in custody for the past 31 days and prayed the petitioner to be released on bail.

5.On the side of the respondent, it is stated that initially a girl missing case was registered by the complainant. The victim is 15 years old and the date of birth is 30.08.2006. The statement recorded under Section 164 Cr.P.C. reveals that the victim was subjected to repeated sexual assault. A1 is still in custody and prayed the petition to be dismissed.

6.It is seen that co-accused A3 and A4 were already released on bail. The petitioner is in custody for the past 31 days. Considering the overt act against the petitioner and considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

7.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, Mahila Court, Pudukkottai 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,
Mahila Court, Pudukkottai.
- 2.The Inspector of Police,
Annavaasal Police Station,
Pudukkottai District.
- 3.The Officer Incharge,
District Prison, Pudukkottai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP(MD) No.1260 of 2022

Date :25/01/2022

RS/VR/SAR.3(25.01.2022) 3P-5C