



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03/02/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.2265 of 2022

Maria Rijwin

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Courtallam Police Station,
Courtallam,
Tenkasi District.
(FIR in Crime No.385 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Vishnuvarthanan.P.M,
Advocate.

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

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

PRAYER :- For Bail in Crime No.385 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 05.12.2021 for the alleged offence under Sections 366, 376 of IPC and Section 6 r/w 5(1) of Protection of Children from Sexual Offences Act, 2012 and Section 9 of Child Marriage Restrained Act, 2006, in Crime No.385 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 27.08.2021, the victim girl eloped with the petitioner. Hence, a case has been registered in Crime No.372 of 2021. Thereafter, since the girl was secured, it came to be closed. Again, the girl was found missing and present case has been registered against the petitioner. During the course of enquiry, it was found that the petitioner kidnapped the victim girl and forcibly had sexual intercourse with her.

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. He would further submit that the petitioner and the victim girl loved each other. On knowing the



same, the defacto complainant tried to arrange marriage for the victim girl. Immediately, the victim girl forced the petitioner to take her away. Hence, the petitioner took her to Moonar and got married her. In the mean while, the defacto complainant filed HCP.No.1431 of 2021 before the Hon'ble Madurai Bench of Madras High Court. It came to be closed by recording the statement of the victim girl. The petitioner is in judicial custody from 05.12.2021. Hence, he prays to grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submitted that it is a case of elopement. The victim girl is aged about 17 and a half.

5.Perusing the records and after hearing the submission of the learned counsel for the petitioner, it is seen that after registration of the case with regard to the missing victim girl, HCP.No.1431 of 2021 was filed by the mother of the victim girl and during the course of enquiry, the victim girl was secured and produced before the Hon'ble Division Bench of this Court. Before the Division Bench, she stating that on her own volition, she went along with the petitioner. The elopement took place on 27.08.2021 and the girl was secured in pursuance of the registration of FIR in Crime No.372 of 2021. On the basis of the statement of her, the case was closed. Again, she eloped with the petitioner for the second time. In respect of complainant, a case in Crime No.385 of 2021 was registered.

6.Considering the age of the victim girl and also considering the major portion of the investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner with stringent 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 Special Court for Exclusive Trial of Cases Under POCSO Act, Tirunelveli, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

03/02/2022

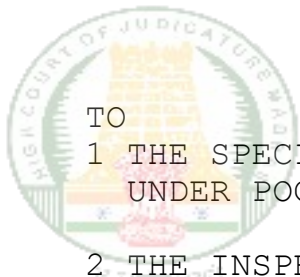
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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, the responsibility of the advocate/litigant concerned.

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TO

1 THE SPECIAL JUDGE FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, TIRUNELVELI.

2 THE INSPECTOR OF POLICE,
COURTALLAM POLICE STATION,
COURTALLAM,
TENKASI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL JAIL
PALAYAMKOTTAI.

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

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-698[I] dated
03/02/2022)

ORDER

IN

CRL OP(MD) No.2265 of 2022

Date :03/02/2022

DSS

MS/PN/SAR-4/04.02.2022/3P.6C