



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/05/2022

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.7685 of 2022

Prabhu

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station, Karaikudi,
Sivagangai District.
(Crime No.11/22)

... Respondent/Complainant

For Petitioner : Mr.J.Bageerathan, Advocate for
Mr.B.Santhanam Rajesh Kumar, Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.11 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 21.03.2022 for the offences under Sections 363 of IPC, Sections 5(i), 5(j)(ii) r/w 6 of POCSO Act, 2012 in Cr.No.11 of 2022, on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the respondent police after getting information from the Government Hospital, Karaikudi, registered a case against the petitioner, as if the petitioner had love affair with the defacto complainant's daughter and performed formal marriage and without her consent the petitioner had sexual relationship with her and thereafter, the victim gave birth a female child.

3.The learned counsel appearing for the petitioner would submit that it is purely love affair between the petitioner and the defacto complainant's daughter. A marriage was performed between them with the blessings of the family elders on 23.05.2021. Thereafter, a female child was born. Further, the learned counsel appearing for the petitioner has placed before this Court an affidavit of the

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5. Admittedly, there was a love affair between the petitioner and the victim girl and formal marriage has also performed between them in the presence of family elders. Though the earlier bail application filed by the petitioner was dismissed by this Court, now the petitioner is ready to marry the victim girl after attaining the age of majority. The petitioner and their parents have filed their affidavit to that effect. Therefore, considering the affidavit filed by the petitioner and their parents, further victim and her mother appeared before this Court and prayed for enlargement of bail to the petitioner, considering the change of circumstances at present, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Special Judge, special Court for Exclusive Trial of cases under the Pocso Act, 2012, Sivagangai and on further condition that:

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme

<https://www.secrecourts.gov.in/Kcser/ves> *Shenoi Vs. State of Kerala* [(2005) AIR SCW 5560]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/05/2022

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12/05/2022

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 SPECIAL COURT FOR EXCLUSIVE TRIAL OF
CASES UNDER THE POCSO ACT, 2012, SIVAGANGAI.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KARAIKUDI,
SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, THIRUPATHUR, SIVAGANGAI DISTRICT.

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

+1. CC to Mr.B.SANTHANAM RAJESH KUMAR, Advocate SR.No.23662.

ORDER
IN
CRL OP(MD) No.7685 of 2022
Date :12/05/2022

TM
MK/JM/SAR.II/12.05.2022/3P/6C