



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/06/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

WEB COPY

CRL OP(MD). No.9708 of 2022

E.Nagaraj ... Petitioner/Accused No.1

Vs

THE STATE REP BY,
The Inspector of Police,
All Women Police Station,
Usilampatti,
Madurai District.
Crime No.9 of 2022

... Respondent/Complainant

For Petitioner : Mr.J.Jeyakumaran, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

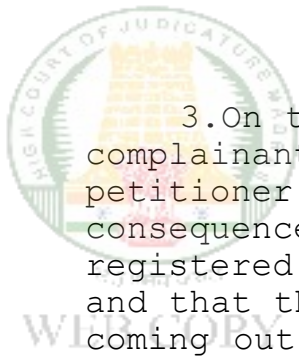
PRAYER :-

For Bail in Crime No.9 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 23.04.2022 for the offences punishable under Section 366 (A) @ Sections 5(1), 6, 7 and 8 of Protection of Children from Sexual Offences Act, 2012 and Sections 9 and 10 of Child Marriage Act, 2006 in Crime No.9 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner kidnapped the daughter of the de-facto complainant, who is a minor and married her on 25.01.2022 in the presence of the other accused and thereafter, took her to Kerala. On 26.01.2022 at about 08.00 p.m., when the de-facto complainant questioned the same, there was a wordy quarrel between both the parties and the petitioner's grandfather one Mokkalalai @ Mayalagan fell down and he sustained injury. Later, he died in the hospital. A murder case was registered against the present de-facto complainant in Crime No.12 of 2022 and the de-facto complainant was arrested and later, she was released on bail and when the de-facto complainant came to know that the petitioner married her minor daughter and that they are living together, she lodged a complaint against the petitioner.



3. On the side of the petitioner, it is stated that the de-facto complainant and others went to the house of the grandfather of the petitioner and they also attacked the petitioner's grandfather. As a consequence, the petitioner's grandfather died and a murder case was registered against the de-facto complainant in Crime No.12 of 2022 and that the de-facto complainant was imprisoned for 60 days. After coming out on bail, as a counter blast the de-facto complainant has lodged a false complaint against the petitioner and the petitioner is in judicial custody from 23.04.2022 and prayed the petitioner to be released on bail.

4. On the side of the prosecution, it is stated that the occurrence took place on 25.01.2022 and the First Information Report was registered on 22.04.2022 and that the offence is very serious in nature and prayed the petition to be dismissed.

5. A copy of the 161 Cr.P.C. statement given by the victim girl was filed, wherein, the victim girl gave a statement that she was having some love affair with the petitioner and she was forcibly married to one Selvam by her parents and since she did not like to live with Selvam, she went to the house of the petitioner and reside there.

6. It is seen that there was a love affair between the victim girl and the petitioner and there is a motive for the de-facto complainant to lodge a complaint against the petitioner and there is a murder case pending against the de-facto complainant. The petitioner is in judicial custody for the past 40 days.

7. In view of the above circumstances, this Court is inclined to grant bail to the petitioner.

8. 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, Principal Special Court for Trial of Cases under POCSO Act, Madurai and on further condition that the petitioner shall stay at Trichy and not enter in Madurai and he has to report before the Inspector of Police, Cantonment Police Station, Trichy daily at 10.30 a.m. until further orders.

sd/-

02/06/2022

/ TRUE COPY /

02/06/2022

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



TO

1 THE SESSIONS JUDGE,
PRINCIPAL SPECIAL COURT FOR TRIAL OF CASES
UNDER POCSO ACT, MADURAI.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, USILAMPATTI,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION, TRICHY.

4 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-5178[I] dated 02/06/2022

ORDER

IN

CRL OP(MD) No.9708 of 2022

Date :02/06/2022

sjj/lm

PKP/SVR/SAR-3/02.06.2022/3P/7C