



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/06/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.9789 of 2022

Sivasankar,

... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai City
(Crime No. 18 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Kumar M,
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.18 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused , who was arrested and remanded to judicial custody on 27.03.2022 for the offences punishable under Sections 5(1) and 6 of Protection of Child from Sexual Offences Act, 2012 in Crime No.18 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the defacto complainant were studying in the same college and they fell in love with each other. On 28.01.2022 the petitioner/accused took the defacto complainant to his house and on false promise of sexual relationship with her, due to which she



became pregnant and later aborted. Hence the present case came to be registered.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that the petitioner is in judicial custody from 27.03.2022 and no such occurrence has taken place as alleged by the prosecution hence, he seeks bail.

4.The learned Additional Public Prosecutor would submit that both the petitioner and the defacto complainant fell in love with each other and on false promise of marrying her, the petitioner had sexual relationship with her, due to which she became pregnant.

5.Considering the facts and circumstances of the case and also considering the fact that it is a case of love affair and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner. 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 report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
01/06/2022

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01/06/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

- 1.The Sessions Judge,
Principal Special Court for trial of cases under POCSO Act,
Madurai,
2. The Officer Incharge, Sub Jail, Melur.
3. The Inspector of Police,
All Women Police Station, Tallakulam,
Madurai City



4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.KUMAR, Advocate (SR-5107[I] dated 01/06/2022)

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ORDER

IN

CRL OP(MD) No.9789 of 2022

Date :01/06/2022

SS/JM/SAR-I(01.06.2022) 6C 3P