



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

Date : 20/06/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.10154 of 2022

Vignesh

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Woman Police Station,
Thirumangalam,
Madurai District.
Crime.No.13/2022.

... Respondent/Complainant

For Petitioner : M/s.Subash Babu M,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

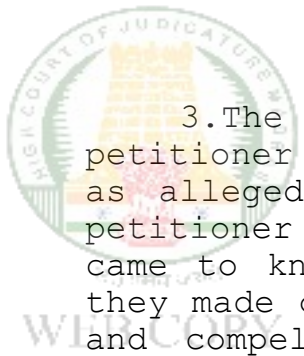
PRAYER :-

For Bail in Crime No.13 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused herein, who was arrested on 11.05.2022 for the alleged offence under Section 9 of Child Marriage Act, 2006 and Section 5(1), 5(j)(ii) & Section 6 of POCSO Act, in Crime No.13 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is aged about 24 years. The victim girl is aged about 15 years. On 29.04.2022, the victim girl gave birth to a girl baby at Government Rajaji Hospital, Madurai. At the time of admission, staffs of the hospital found that she is only aged about 15 years. Then, they informed the same to the defacto complainant, who is working as Legal Probation Officer in District Child Protect Unit. On enquiry, he confirmed the same and came to the conclusion that the accused person committed a offence of Child Marriage Act and POCSO Act. Hence, the present case has been registered against the petitioner.



3.The learned counsel for the petitioner would submit that the petitioner is 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. When the same was came to know to the knowledge of the parents of the victim girl, they made objection. Hence, she came out from her house voluntarily and compelled the petitioner to marry her. Thereafter, without consent from their parents, they married. He is in judicial custody from 11.05.2022. Hence, he seeks to grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that final report was made ready and it has not yet been presented before the concerned Court.

5.On perusal of FIR as well as the 164 Statement that was recorded during the course of investigation, it is seen that both the victim girl and the accused fell in love for more than 1 year. Thereafter, they married without the knowledge of their parents. The victim girl became pregnant. When she was taken to the hospital for delivery, the staffs of the hospital knowing the fact that the victim girl is aged below 18 and the information was sent to the concerned department. Based upon the complaint, the case has been registered and the petitioner was arrested on 11.05.2022. Now, the investigation is completed and final report was also made ready.

6.Considering the period of incarceration and also considering the above said facts, 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 Session Judge Special Court for the Exclusive Trial of POCSO Act Cases, Madurai, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
20/06/2022

/ TRUE COPY /

20/06/2022
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



TO

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

2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE, ALL WOMAN POLICE STATION, THIRUMANGALAM,
MADURAI DISTRICT.

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

+1 CC to M/s.M.SUBASH BABU, Advocate (SR-5784[I] dated 20/06/2022)

ORDER

IN

CRL OP(MD) No.10154 of 2022

Date :20/06/2022

RS/VR/SAR.4 (20.06.2022) 3P-6C