



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

Date : 20/06/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.10882 of 2022

Ganesamoorthy

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
Crime No.106 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Karthick R.J,
Advocate.

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

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

PRAYER :-

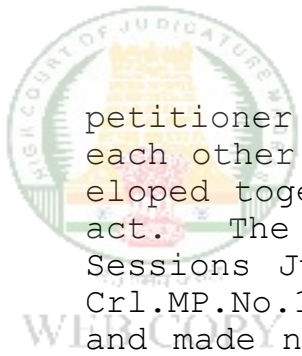
For Bail in Crime No.106 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused herein, who was arrested on 06.05.2022 for the alleged offence under Girl Missing Case altered into Section 366 IPC, Section 5(1), 6 of Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, in Crime No.106 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim girl is aged about 16 years at the time of occurrence. The petitioner said to have kidnapped the victim girl and married her and committed sexual assault on her. 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 are close relatives and they loved each other. Due to the objection on the side of their parents, they eloped together and married each other. There is no forcible sexual act. The petitioner moved a bail application before the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, in Crl.MP.No.1379 of 2022. The victim girl appeared before the Court and made no objection to release the petitioner. Even though, that petition was dismissed. He is in judicial custody from 06.05.2022. Hence, he seeks to grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner has committed sexual assault on the victim girl. However, the parents of the petitioner and the victim girl are agreed to perform the marriage, after completion of 18 years of the victim girl.

5.On perusal of records as well as the arguments of the learned counsel for the petitioner and the learned Additional Public Prosecutor would show that there was marriage between the victim girl as well as the petitioner on 16.03.2022 in a bus. Thereafter, she was taken to Chennai. In a Separate house, the petitioner had sexual intercourse with the victim girl. After knowing the above said incident, the parents of both sides have agreed to perform the marriage, after completion of 18 years of the victim girl even before the concerned Special Court while hearing Crl.MP.No.1379 of 2022 on 27.05.2022. This is also evident from the order copy that has been produced by the petitioner.

6.Considering the period of incarceration and in view of the development that took place subsequent to the above issue, 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 learned Judicial Magistrate, Sivagiri, 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 concerned.

TO

1. THE JUDICIAL MAGISTRATE,
SIVAGIRI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI.
4. THE INSPECTOR OF POLICE,
SIVAGIRI POLICE STATION,
TENKASI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10882 of 2022
Date :20/06/2022

dss
USK/VR/SAR-IV/20.06.2022/3P/6C