



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

Dated: 23/06/2022

PRESENT

WEB COPY

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.11087 of 2022

Arockiya Babu : Petitioner/Sole Accused

Vs.

State rep. By
The Inspector of Police,
Avudaiyarkovil Police Station,
Pudukottai District.
(Crime No.27 of 2022)

: Respondent/Complainant

For Petitioner : Mr.S.M.Sanjay,
Advocate

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

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

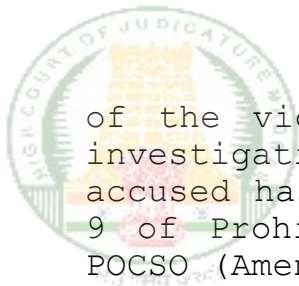
PRAYER :-

For Bail in Crime No.27 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as sole accused was arrested on 22/04/2022 and remanded to judicial custody for the alleged offences under sections Girl Missing @ 363 IPC, section 9 of the Prohibition of Child Marriage Act, 2006 and section 4(1) of POCSO (Amendment) Act, 2019, in Crime No.27 of 2022, seeks bail.

2.The case of the prosecution is that the victim aged is aged about 16 years and was studying 11th Standard in a Government Higher Secondary School, Aranthangi. She was talking with the accused for about three months. When that was condemned by the parents, the accused person instigated the victim girl to leave the parental home. So, on 18/02/2022 at about 08.30 am, she left the home as if stating that she is going to school. But she was taken to Aranthangi bus stand, from where she was taken to Tiruppur and other areas. They have also stayed in Velankanni, on 19/02/2022. Knowing that the victim was a minor, the accused person tied Tali and also sexually assaulted the victim. Based upon the complaint given by the father



of the victim, the case was registered and after completing the investigation, final report was also filed, charging that the accused has committed the offence under section 363 IPC and section 9 of Prohibition of Child Marriage Act, 2006 and section 4(1) of POCSO (Amendment) Act 2019.

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3. Heard both sides

4. The learned counsel appearing for the petitioner would submit that both fell in love and they were closely related and they left the home. When it was brought to the parents of the girl, they did not accept the same stating that the victim was 17 years old.

5. It is seen that the accused is aged about 23 years and the victim is aged about 17 years on the date of the alleged occurrence. The statement of the victim was recorded. During the course of investigation under section 164(3) Cr.P.C, she has stated that the accused forced her to leave the house and accompanying him to various places. On 19/02/2022, the accused misbehaved with her. He also tied Tali in Velankanni. She has also stated that she loved the accused. So, from the statement of the victim, it is seen that to some extent, she admitted that she was in love, however, the accused forcibly married her. But she was aged about 17 years at the time of occurrence.

6. So in the light of the above said statement of the victim girl and considering the duration of the custody of the petitioner and on perusal of the CD file, which shows that final report has also been filed before the concerned court, this court is inclined to **grant bail** to the petitioner with certain conditions. 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 each for a like sum to the satisfaction of the Judicial Magistrate, Aranthangi and on further condition that the petitioner shall report before the respondent police daily at 10.30 am until further orders.

sd/-
23/06/2022

/ TRUE COPY /

23/06/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
ARANTHANGI.



2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
AVUDAIYARKOVIL POLICE STATION,
PUDUKOTTAI DISTRICT.
4. THE OFFICER-INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.11087 of 2022
Date :23/06/2022

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