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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 07/07/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Cr1.OP(MD)No.11958 of 2022

Ajith : Petitioner/A1

Vs.

State through
The Inspector of Police,
Thiruppathur All Women Police Station,
Sivagangai District,
(Crime No.5 of 2022) : Respondent/Complainant

For Petitioner : Mr.R.Paranjothi

For Respondent : Mr.B.Thanga Aravindh
Government Advocate
(Criminal side)

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

PRAYER :- C-58B.For Bail in Crime No.5 of 2022 on the
file of the Respondent Police.



ORDER : The Court made the following order:-

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The petitioner, who is arrayed as A1 was arrested, on 27/05/2022 and remanded to judicial custody for the alleged offences punishable under sections 5(1), 5(j)(ii) r/w 6 of POCSO Act, 2012 and sections 9 and 10 of Prohibition of Child Marriage Act, in Crime No.5 of 2022, seeks bail.

2.The case of the prosecution is that the Women Welfare Department Officer, lodged a complaint stating that she received an information that one Durga, aged about 17 was admitted in the Sivagangai Government Medical College Hospital. She enquired her and in the enquiry, she has stated that she was love with one Ajith. When that was brought to the notice of the parents, they objected the same. On 07/02/2021 with the help of the parents, the marriage was performed. She became pregnant and the accused persons asked the victim girl to abort the child. But she was not willing to accept the same. So she was driven out of the house, on 16/05/2022. She went to her parental home and she was produced before the Child Welfare Board, on 23/05/2022. She lodged a



complaint seeking action against the accused persons.

This petitioner was arrested and remanded to custody, on 27/05/2022.

3. Seeking bail, this petition has been filed by A1, who is the person, married the victim girl.

4. The learned Government Advocate (Criminal side) would submit that even there was love affairs between the victim girl and the petitioner, later, he compelled the victim to abort the child. Because of that only, she was driven out of the house to the parental home. Medical termination of pregnancy was also undertaken, on the basis of the order that has been passed by this court in Cr1.OP(MD)No.14506 of 2019, dated 19.06.2019. At that time, she was four months old pregnant and termination of pregnancy was also undertaken. During the course of investigation, the statement of the victim girl was also recorded. While, she has stated that she is willing to live with the petitioner.



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5. So considering the statement of the victim girl and duration of the custody of the petitioner and most part of the investigation is also over, 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 learned Special Judge for Exclusive Trial of cases, under the POCSO Act, 2012, Sivagangai and on further condition that the petitioner shall report before the respondent police daily at 10.30 am until further orders.

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Index:Yes/No
Internet:Yes/No
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To,

1. The Inspector of Police,
Thiruppathur All Women Police Station
Sivagangai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
3. The District Prison,
Ramanathapuram .



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