



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 26/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD). No.12222 of 2022

WEB COPY

Gowtham

... Petitioner/Sole Accused

Vs

1.State Rep.by

The Inspector of Police,
All Women Police Station,
Vilathikulam,
Thoothukudi District.
Crime No.5 of 2022.

... 1st Respondent/Complainant

2.Murugalakshmi

... 2nd Respondent/Defacto Complainant

For Petitioner : M/s.S.Vishnuvardhan, 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.5 of 2022 on the file of the Respondent Police.

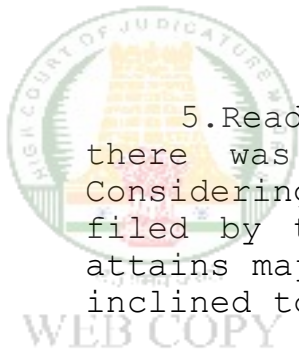
ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 08.06.2022 for the alleged offence under Sections 7, 8, 3(a), 4 of POCSO Act, 2012, in Crime No.5 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had sexual relationship with the victim, by making false promise to marry her. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The petitioner also filed an undertaking that he will marry the victim after she attains majority.

4.The learned Additional Public Prosecutor submitted that the statement of the victim was recorded under Section 164 Cr.P.C and medical reports of the victim not yet received.



5. Reading of 164 Cr.P.C. statement of the victim sh at there was no allegation of sexual assault by the petitioner. Considering the facts and circumstances of the case, the affidavit filed by the petitioner that he will marry the victim after she attains majority and also the period of incarceration, this Court is inclined to grant bail to the petitioner with stringent conditions.

6. 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 Judge, Special Court for POCSO Act Cases, Thoothukudi, on further condition that the petitioner shall also file an undertaking affidavit before the trial Court that he will marry the victim after she attains majority and co-operate during the trial and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

26/07/2022

/ TRUE COPY /

26/07/2022

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

TO

1 THE JUDGE, SPECIAL COURT FOR POCSO ACT CASES, THOOTHUKUDI.

2 THE OFFICER INCHARGE, DISTRICT JAIL, PERAVURANI.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, VILATHIKULAM, THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.S.VISHNUVARDHAN, Advocate (SR-7645[I] dated 26/07/2022)

ORDER

IN

CRL OP(MD) No.12222 of 2022

Date :26/07/2022

RS/PN/SAR.1 (26.07.2022) 2P-6C