



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/07/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.13089 of 2022

Kanjivanam

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.
Crime No.184/2022.

... Respondent/Complainant

For Petitioner : MR.V.Vijayasethupathy,
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.184 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to the judicial custody on 18.06.2022 for the alleged offences punishable under sections 5(1), (5) (J)(ii), 6 of POCSO Act and under Sections 9, 10 of Prohibition of Child Marriage Act, 2006, in Crime No.184 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the victim girl were in love with each other for about 2 years. Since, it was not accepted by their family members, in the year 2021 the petitioner had induced the victim girl and on the promise of marriage, had taken her to his house and married her to lead the matrimonial life. During such time, he had intercourse with the victim girl due to which, she had become pregnant and that on 15.06.2022, she developed delivery pain and she was admitted in the hospital. When she was in the hospital, an intimation was given by the medical authorities based on which, the statement of the victim girl was recorded and the case was registered.



3.The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl are close relatives and that they were in love with each other. Since, it was not accepted by their family members, the petitioner had eloped with the victim girl and they were living as husband and wife in the petitioner's home. During such period, the victim became pregnant and on 15.06.2022 when the victim girl had developed labour pain, she was admitted in the hospital for delivery wherein, based on the complaint given by the medical authorities, the case came to be registered. He would submit that the petitioner was arrested on 18.06.2022. Hence, he seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner is aged 23 years and the victim girl is aged 16+ years. The petitioner who is the close relative of the victim girl had committed sexual assault on the her due to which, she became pregnant and on 15.06.2022 when the victim girl had developed labour pain and delivered a child. Now the victim girl and her child under the custody of the petitioner's mother. He would further submit that the major part of investigation is over and the statement of the victim has been recorded under Section 164 of Cr.P.C. and that the medical examination in respect of the petitioner and the victim girl is also completed.

5.Taking into consideration of the above facts and circumstances and considering the submissions made by the learned counsels and the period of incarceration by the petitioner from 18.06.2022, this Court is inclined to grant bail to the petitioner subject to the following 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 Session Judge, Prl.Special Court for Trial of Cases under POCSO Act, Madurai, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

20/07/2022

/ TRUE COPY /

20/07/2022

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
PRINCIPAL SPECIAL COURT FOR TRIAL OF CASES
UNDER POCSO ACT, MADURAI

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE
Y.OTHAKADAI POLICE STATION, MADURAI DISTRICT.

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

+1 CC to MR.V.VIJAYASETHUPATHY, Advocate (SR-7355[I] dated
20/07/2022)

ORDER

IN

CRL OP(MD) No.13089 of 2022

Date :20/07/2022

TTA

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