



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

Date : 01/08/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13197 of 2022

Vinoth

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Keeranur All Women Police Station,
Pudukkottai District.
Crime No.16 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Mathavan G, 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.16 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 02.08.2021 for the alleged offence under Sections 5(1), 5(j)(ii) r/w 6(1) of POCSO Amendment Act, 2019, in Crime No.16 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the mother of the victim, has lodged a complaint stating that the victim while studying +2 informed that she had vomiting sense and body pain. On enquiry, the victim stated about her love affair with the petitioner and on 13.01.2022, on false promise, the petitioner had sexual intercourse with her, thereby, the petitioner got pregnant. Hence, the case.

3.Perusal of record reveals the fact that as per 164 Cr.P.C statement of the victim, she has stated that the petitioner had sexual intercourse with her on 13.01.2022, promising that he will marry her, after she attains majority. On medical examination, the victim was found pregnant.



4. The learned counsel for the petitioner submitted the petitioner is an innocent person and he is ready to marry the victim after she attains majority. To show his *bonafide*, the petitioner also filed an undertaking to that effect.

5. Considering the undertaking filed by the petitioner and period of incarceration and the fact that there is a love affair between the petitioner and the victim, 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 Sessions Judge, Mahila Court, Pudukottai, and on further condition that the petitioner shall file an undertaking affidavit before the concerned Court that he will marry the victim, after she attains majority and also the petitioner shall appear and sign before the respondent police daily at 10.30 a.m. until further orders.

7. The respondent Police/learned Additional Public Prosecutor would submit about the development of the case, at the time of filing of relaxation petition.

sd/-

01/08/2022

/ TRUE COPY /

01/08/2022

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

TO

1. THE SESSIONS JUDGE,
MAHILA COURT, PUDUKKOTTAI.
2. THE OFFICER-INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
3. THE INSPECTOR OF POLICE,
KEERANUR ALL WOMEN POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.MATHAVAN, Advocate (SR-7968[I] dated 01/08/2022)

ORDER

IN

CRL OP(MD) No.13197 of 2022

Date :01/08/2022

USK/VR/SAR-I/01.08.2022/2P/6C

<https://www.mhc.tn.gov.in/judis>