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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05/08/2022
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.13462 of 2022

Arulkumar

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Kadayam Police Station,
Tenkasi District.
Cr.No.193/2022.

... Respondent/Complainant

For Petitioner : M/s.SARAVANAKUMAR.C, Advocate
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :- For Bail in Cr.No.193/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 24.06.2022 for the alleged offence under Section Girl Missing @ Section 366 IPC, Sections 6, 5(1) of POCSO Act, 2012 and Section 9 of Child Marriage Act, in Crime No.193 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim girl, aged about 17 years was found missing on 27.03.2021. Based on the complaint of the defacto complaint, this case has been registered for "Girl Missing". After investigation, it reveal the fact that the accused kidnapped the victim and married her and committed sexual assault.

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 victim girl has not stated anything about the petitioner in her statement and simply stated that since her mother scolded her, she went to her friends house and later secured by villagers and restored to her parents.

4.Reading of FIR shows that the petitioner had married the victim on 18.06.2022, without the consent of their parents and also

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had sexual intercourse. But, the victim has not stated any in her statement. The investigation is almost completed by the respondent Police.

5. Considering the above facts and circumstances and the statement of the victim and also considering 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 Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, on further condition that the petitioner shall stay away from the occurrence village and stay at Tirunelveli and report before the Palayamkottai Police Station daily at 10.30 a.m. until further orders.

sd/-

05/08/2022

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05/08/2022

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

TO

- 1 THE SESSIONS JUDGE
SPECIAL COURT FOR POCSO ACT CASES, TIRUNELVELI.
- 2 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.
- 3 THE INSPECTOR OF POLICE,
KADAYAM POLICE STATION, TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION, TIRUNELVELI.

+1. CC to M/S.SARAVANAKUMAR.C Advocate SR.No.8229

ORDER IN

CRL OP(MD) No.13462 of 2022
Date : 05/08/2022

PNM

SA/PN/SAR.1/05.08.2022/2P/7C

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