



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/08/2022
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13936 of 2022

K.Suresh

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station, Valliyur,
Tirunelveli District
(Crime No. 11 of 2022).

... Respondent/Complainant

For Petitioner : M/s.S.Malaikani,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.side)

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

PRAYER :-For Bail in Crime No.11 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Sections 5(1), 5(j)(ii), 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.11 of 2022, on the file of the respondent police.

2.The case of the prosecution in brief is as follows:-

3.The defacto complainant is the victim girl. She has stated that she was in love with the accused, namely Suresh, who is the petitioner herein, for more than 3 years. In the 1st week of April 2022, she was taken to the accused's house and promising to marry her, she was subjected to sexual intercourse. Similarly, after two days, the accused went to the house of the victim girl and subjected her to sexual intercourse. That was also a forcible one. On 01.06.2022, she was admitted in the Government hospital, Tirunelveli. She was found pregnant. On the basis of the statement given by the defacto complainant, the present case has been registered. The petitioner was arrested and ever since from the date of arrest, namely 06.06.2022, he is in judicial custody.

4.The ground, on which this petition came to be filed, is that it is purely a love affair between the petitioner and the defacto complainant. The petitioner is ready to marry the victim girl, after



she attains the age of majority. For that purpose, the petitioner filed an undertaking affidavit. The Date of Birth of the victim girl is 22.01.2005. The date of occurrence is stated to be the 1st week of April, 2022.

5.The entire CD file has been called for and perused.

6.Perusal of CD file shows that the victim girl has given a statement as stated by her in the complaint. The statement shows that she was in love with the petitioner, but promising to marry her, she was subjected to sexual assault. She was also aged about 17 plus at the time of occurrence. Considering this fact, considering the affidavit of undertaking that has been given by this petitioner and the duration of the custody and also considering the fact that major portion of the investigation is almost over, this Court is inclined to grant bail to the petitioner with stringent conditions.

7.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 Special Court for Cases under POCSO Act, Tirunelveli and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

10/08/2022

/ TRUE COPY /

11/08/2022

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 concerned.

TO

1 THE JUDGE,

SPECIAL COURT FOR CASES UNDER POCSO ACT, TIRUNELVELI

2 THE SUPERINTENDENT, CENTRAL PRISON, TIRUNELVELI.

3 THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION, VALLIYUR, TIRUNELVELI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. MALAIKANI.S Advocate SR.No.8424.

ORDER IN

CRL OP(MD) No.13936 of 2022

Date :10/08/2022

MM

<https://www.civils.org/Case/III/11.08.2022/2P/6C>